JOURNAL

OF THE

CONVENTION

OF THE

WESTERN PART

OF THE

Mississippi Territory.

BEGUN AND HELD AT THE TOWN OF WASHINGTON,

ON THE SEVENTH DAY OF JULY, 1817.

PORT-GIBSON:

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1831.

JOURNAL

OF THE

CONVENTION, &C.

JOURNAL of the Convention of the western part of the Mississippi Territory, begun and held at the town of Washington, in the county of Adams, and Territory aforesaid, on the seventh day of July, in the year of our Lord one thousand eight hundred and seventeen, and of the Independence of the United States of America the forty-second: being the time and place appointed for the meeting of the Convention, for the purpose of forming a Constitution and State Government, by virtue of an act of Congress entitled "an act to enable the people of the western part of the Mississippi Territory, to form a Constitution and State Government, and for the admission of such State into the Union on an equal footing with the original States," passed the first day of March, 1817, when the following members appeared and took their seats, viz:

From Warren county—Henry D. Downs, Andrew Glass.

From Claiborne county—Walter Leake, Thomas Barnes, Daniel Burnet, Joshua G. Clarke.

From Jefferson county—Cowles Mead, Cato West, Hezekiah J. Balch, Joseph E. Davis.

From Adams county—David Holmes, Josiah Simpson, James C. Wilkins, John Taylor, Christopher Rankin, Edward Turner, Joseph Sessions, John Steel.

From Franklin county—John Shaw, James Knox.

From Wilkinson county—George Poindexter, Daniel Williams, Abram M. Scott, John Joor, Gerard C. Brandon, Joseph Johnson.

From Amite county—Henry Hanna, Thomas Batchelor, John Burton, Thomas Torrence, Angus Wilkinson, William Lattimore.

From Pike county—David Dickson, William J. Minton, James Y. M'Nabb.

From Lawrence county—Harmon Runnels, George W. King.

From Marion county—John Ford, Dougal M'Laughlin.

From Hancock county—Noel Jourdan, Amos Burnet.

From Wayne county—James Patton, Clinch Gray.

From Greene county—Laughlin M'Coy, John M'Gray.

From Jackson county—John M'Leod, Thomas Bilbo.

A Quorum being present, the Convention was ready to proceed to business.

On motion of Mr. Burnet, of Claiborne, and seconded, *Resolved*, That the Convention do now proceed by ballot to the election of a President of the Convention, and that two Tellers be appointed for the purpose of counting the ballots—Whereupon, Mr Taylor, and Mr Burnet (of Claiborne) were appointed, and upon

counting the ballots, it appeared that Mr. David Holmes was duly elected—Whereupon, he was conducted to the chair, and having made his acknowledgments, entered upon the duties thereof.

On motion of Mr Poindexter, and seconded—*Resolved*, That the Convention do now proceed to the election of a Secretary under the direction of the same Tellers, and upon counting the ballots, it appeared that Mr Lewis Winston was duly elected—Whereupon, he was notified of his appointment, and entered upon the duties of his office.

On motion of Mr. Poindexter, and seconded—*Resolved*, That the Convention do now proceed to the election of a Door-keeper, under the direction of the same Tellers, and upon counting the ballots it appeared that John Lowrey was duly elected, who entered upon the duties of his office.

On motion of Mr. Poindexter, and seconded—*Resolved*, That the Door-keeper be directed to engage in the service of the Convention, two suitable persons to assist him in the discharge of the duties of his office.

On motion of Mr. Lattimore, and seconded—*Resolved*, That a committee of five members be appointed to prepare rules and regulations for the government of this Convention, during the session thereof, and Messrs Lattimore, Burnet, (of Claiborne) Patton, Turner and Ford, were appointed.

On motion of Mr. Poindexter, and seconded—*Resolved*, That the rules and orders for the government of the House of Representatives of the Mississippi Territory, be adopted as the rules and orders for the govern-

ment of this Convention, so far as they are applicable, until they shall be altered by order of the Convention.

On motion of Mr. Lattimore, and seconded—*Resolved*, That a committee of elections be appointed to consist of five members—whereupon, Messrs. Lattimore, West, Shaw, Dixon and Runnels were appointed.

On motion of Mr. Poindexter, and seconded—*Resolved*, That a committee of accounts be appointed, to consist of three members; and Messrs Poindexter, Downs and McCoy were appointed accordingly.

On motion of Mr Runnels, and seconded—*Ordered*, That this Convention do adjourn till 10 o'clock tomorrow morning.

TUESDAY, JULY 8, 1817.

The Convention met pursuant to adjournment. Mr. Shaw moved that the words "and seconded," as often as they occur in the journals, be stricken out—

And the question thereon being taken,

It was resolved in the negative.

Mr. West offered the following resolution, viz: *Resolved*, By this Convention, that it is not expedient at this time to form a constitution and state government for the people of the western part of the Mississippi Territory, as authorized by the act of Congress of the first of March, 1817, entitled "An act to enable the people of the western part of the Mississippi Territory to form a constitution and state government, and for the admission of such State into the Union on an equal footing with the original States."

And a question of order arising thereon, the chair determined the consideration of said resolution to be out of order.

Mr. Turner moved the following resolution, viz: *Resolved*, That it is expedient at this time to form a constitution and state government for the people in the western part of this Territory, according to the provisions of the act of Congress, entitled, "An act to enable the people of the western part of the Mississippi Territory to form a constitution and state government, and for the admission of such state into the Union on an equal footing with the original States," passed March 1st, 1817.

On motion of Mr. Turner, and seconded—*Resolved*, That the Convention will now proceed to the consideration of said resolution.

On motion of Mr Turner, and seconded—*Resolved*, That the said resolution be referred to a committee of the whole.

Mr. Mead moved, and was seconded, that the consideration of said resolution in committee of the whole be made the order of the day for to-morrow.

And the question thereon being taken,

It was resolved in the negative.

On motion of Mr. Turner, and seconded, *Resolved*, That the Convention do forthwith resolve itself into a committee of the whole on said resolution—whereupon the Convention resolved itself into a committee of the whole on the resolution upon the expediency of forming a constitution and state government; and after some time spent therein, Mr. President resumed the

chair, and Mr Leake reported that the committee had according to order had the said resolution under consideration, had made some progress therein, and not having time to go through the same, he was ordered to ask for leave to sit again.

On motion of Mr. Clarke, and seconded, *Resolved*, That the committee of the whole will sit again on said resolution to-morrow.

On motion of Mr. Clarke, and seconded, *Ordered*, That the Convention do adjourn till 9 o'clock to-morrow morning.

WEDNESDAY, JULY 9, 1817.

The Convention met pursuant to adjournment, &c.

Mr. Lattimore, from the committee appointed to prepare rules and regulations for the government of the Convention, made a report, which was received.

And on motion of Mr. Lattimore, and seconded—*Ordered*, That the said report be referred to the committee of the whole, and be made the order of the day for to-morrow.

Mr. Poindexter offered the following resolution—*Resolved*, That the Secretary of the Convention, under the direction of the President thereof, be, and he is hereby authorised to contract for the printing, ordered by the Convention to be done, during the session.

And on motion of Mr. Poindexter, and seconded—*Resolved*, That the Convention will now consider said resolution.

And upon the question being taken thereon,

It was determined in the affirmative.

On the question being put, will the Convention agree to the said resolution?

It was passed in the affirmative.

On motion of Mr .Lattimore, and seconded—*Ordered*, That the credentials of the members of the Convention be referred to the committee of elections.

On motion of Mr Leake, and seconded—The Convention resolved itself into a committee of the whole on the resolution offered by Mr. Turner, on Tuesday, " that it is expedient at this time to form a constitution and state government," &c. Mr. Leake in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Leake reported, that the committee had according to order had the said resolution under consideration, and had directed him to report the same without amendment.

Mr. Poindexter moved, and was seconded, that the further consideration of the report of the committee of the whole on the said resolution, be postponed till the fifteenth day of March next. And a question of order arising upon said motion, Mr. President determined that the said motion is in order; from which decision an appeal to the Convention was made by Mr. Runnels, and seconded by Mr. Lattimore.

The yeas and nays being demanded by Mr. Poindexter and Mr. Lattimore, two of the members present,

Those who voted in the affirmative are—Messrs. Barnes, Burnet, (of Claiborne,) Balch, Brandon, Batch-

elor, Burton, Burnet, (of Hancock) Bilbo, Clarke, Downs, Davis, Dickson, Ford, Glass, Gray, Hanna, Joor, Johnson, Jourdan, Knox, King, Leake, Mead, Minton, M'Laughlin, M'Coy, M'Rhea, M'Leod, M'Nabb, Patton, Poindexter, Simpson, Scott, Sessions, Taylor, Torrence, Turner, Williams, West, and Wilkinson—40.

Those who voted in the negative are—Messrs. Lattimore, Rankin, Runnels, Shaw, and Wilkins—5.

The question was then taken on the motion to postpone the further consideration of said resolution to the fifteenth day of March next.

And the question thereon being taken,

It was determined in the negative.

The yeas and nays being demanded by two of the members present,

Those who voted in the affirmative are—Messrs. Balch, Brandon, Batchelor, Burton, Davis, Dickson, Joor, Johnson, Mead, M'Laughlin, Poindexter, Scott, Williams, West—14.

Those who voted in the negative—are Mr. Holmes, President—Messrs. Barnes, Burnet, (of Claiborne) Burnet, (of Hancock) Bilbo, Clarke, Downs, Ford, Glass, Gray, Hanna, Jourdan, Knox, King, Leake, Lattimore, Minton, M'Coy, M'Rhea, M'Leod, M'Nabb, Patton, Rankin, Runnels, Simpson, Sessions, Steel, Shaw, Taylor, Turner, Torrence, Wilkins, and Wilkinson—33.

On motion of Mr. Turner, and seconded, *Resolved*, That the report of the committee of the whole on said resolution be concurred in by the Convention.

On motion of Mr. Turner, and seconded, *Ordered*; That the said resolution be engrossed for a third reading forthwith.

Mr. Poindexter gave notice that he would on tomorrow move a resolution for the appointment of a committee to prepare and report to the Convention a memorial to the Congress of the United States, praying an extension of the boundaries of the state to be formed in the western part of the Mississippi Territory.

The engrossed Resolution declaring that it is expedient at this time to form a constitution and state government for the people in the western part of the Mississippi Territory, according to the provisions of the act of Congress, entitled "an act to enable the people of the western part of the Mississippi Territory to form a constitution and state gavernment, and for the admission of such state into the Union on an equal footing with the original states," passed March 1st, 1817, was on the motion of Mr. Turner, and seconded, read a third time,

And on the question, shall the said resolution pass?

It was resolved in the affirmative.

The yeas and nays being demanded by Mr. Mead and Mr. Johnson, of the members present,

Those who voted in the affirmative are—Mr. Holmes, President—Messrs Barnes, Burnet, (of Claiborne) Burner, (of Hancock) Bilbo, Clarke, Downs, Ford, Glass, Gray, Hamm, Jourdan, Knox, King, Leake, Lattimore, Minton, M'Laughlin, M'Coy, M'Leod, M'Rhea, M'Nabb, Patton, Poindexter, Rankin, Runnels, Simp

son, Sessions, Steel, Shaw, Taylor, Turner, Torrence, Watson, Wilkins and Wilkinson—36.

Those who voted in the negative are—Messrs. Balch, Brandon, Batchelor, Burton, Davis, Joor, Johnson, Mead, Scott, Williams and West—11.

Mr. Rankin offered the following resolution: *Resolved*, That a committee of nine members be appointed to prepare and report to this Convention a Constitution or form of government for the state to be formed in the western part of the Mississippi Territory. *Ordered*, That said resolution lie on the table.

Mr. Lattimore offered the following resolution: *Resolved*, That a committee consisting of one member from each county be appointed to prepare a plan of a Constitution for the consideration of the Convention; *Ordered*, That said resolution lie on the table.

On motion of Mr. Burnett (of Claiborne) and seconded, *Ordered*, that the Convention do adjourn till 9 o'clock to-morrow.

THURSDAY, JULY 10, 1817.

The convention met pursuant to adjournment.

Mr. Lattimore from the committee of privileges and elections—reported, that the committee of elections, to whom were referred the credentials of the members returned to serve in this Convention, that they have had the same under consideration, and find the following gentlemen to be duly elected and returned, to wit:

From Warren county—H. D. Downs, Andrew Glass,

From Claiborne county—Daniel Burnet, Walter Leake, John G. Clarke, Thomas Barnes.

From Amite county—Henry Hanna, Thomas Batchelor, John Burton, Thomas Torrence, Angus Wilkinson, William Lattimore.

From Lawrence county—Harmon Runnels, George W. King.

From Hancock county—Noel Jourdan, Amos Burnet.

From Greene county—Laughlin M'Coy, John M'Rhea.

From Marion county—John Ford, Dougal M'Laughlin.

From Adams county—David Holmes, Josiah Simpson, James C. Watkins, John Taylor, Christopher Rankin, Edward Turner, Joseph Sessions, John Steele.

From Wilkinson county—George Poindexter, Daniel Williams, Abram M. Scott, John Joor, Gerard C. Brandon, Joseph Johnson.

From Franklin county—John Shaw, James Knox.

From Jackson county—John M'Leod, Thomas Bilbo.

From Wayne county—James Patton, Clinch Gray.

From Pike county—David Dickson, William J. Minton, James, Y. M'Nabb.

From Jefferson county—Cowles Mead, Cato West, Hezekiah J. Balch, Joseph E. Davis.

On motion of Mr. Lattimore, and seconded—*Ordered*, that said report lie on the table.

Mr. Rankin offered the following resolutions:

Resolved, That a committee be appointed to prepare and report to this Convention, a plan for so much of the constitution to be adopted as relates to the judiciary department of the government.

Resolved, That a committee be appointed to prepare and report to this Convention, a plan for so much of the constitution to be adopted as relates to the legislative department of the government.

Resolved, That a committee be appointed to prepare and report to this Convention, a plan for so much of the constitution to be adopted as relates to the executive department of the government.

Resolved, That a committee be appointed to prepare and report to this Convention, a plan for so much of the constitution to be adopted as relates to subjects not properly under the head of the executive, legislative or judicial departments.

Resolved, That a committee be appointed to prepare and report to this Convention, a schedule to the constitution to be adopted by this convention.

Resolved, That a committee be appointed to prepare and report to this convention "an ordinance irrevocable," as required by the act of Congress authorising the western section of the Mississippi territory to form a constitution and state government.

On motion of Mr. Rankin, and seconded, *Ordered*, That said resolutions lie on the table.

Mr. Shaw offered the following resolutions,—*Resolved*, That the following committees be appointed, to wit:

1st. A committee of members to prepare and report a preamble to the Constitution about to be formed, and also a bill of rights, with an article concerning the distribution of the powers of government.

2nd. A committee of members to prepare and report an article on the subject of the Legislative department.

3d. A committee of members to prepare and report an article concerning the Executive department.

4th. A committee of members to prepare and report an article concerning the Judicial department.

5th. A committee of members to prepare and report an article concerning Education, also an article concerning Impeachments, and the mode of revising the Constitution—and

6th. A committee of members to prepare and report an article concerning such miscellaneous and general provisions as cannot come properly under any of the foregoing heads.

On motion of Mr. Shaw, and seconded, *Ordered*, That said resolution lie on the table.

On motion of Mr. Poindexter, and seconded,

The Convention proceeded to consider the resolution proposed by him on yesterday, and ordered to lie on the table—and the same being read again in the words following, to wit:—*Resolved*, That a committee of nine members be appointed to prepare and report to this Convention, a Constitution or form of government for the state to be formed in the western part of the Mississippi Territory.

Mr. Poindexter modified said resolution by striking out the word nine.

On motion of Mr. Mead, and seconded, *Resolved*, That the several resolutions heretofore submitted on the subject of appointing committees to prepare and report a Constitution, be forthwith referred to a committee of the whole.

And the question thereon being taken,

It was resolved in the affirmative.

Whereupon, the Convention resolved itself into a committee of the whole on the several resolutions offered on the subject of appointing committees to prepare and report a Constitution to the Convention—Mr. Steel in the chair—and after some time spent therein—Mr. President resumed the chair, and Mr. Steel reported—

That the committee had, according to order, had said resolutions under consideration, and have made an mendment to the resolution submitted by Mr. Poindexter, on yesterday, by filling up the blank with word twenty, to which resolution and amendment they desire the concurrence of the Convention.

And the question thereon being taken,

It passed in the affirmative.

Mr. Lattimore offered the following amendment to the report of the committee of the whole, to wit:—"And that one member at least of said committee be from each county."

And the question being taken on said amendment,

It was passed in the affirmative.

Mr. Rankin offered the following additional amendment, to wit: "of which a sub-committee of five members shall be appointed on the subject of the judiciary department; five members on the legislative department, five members on the executive department, and five members a committee on the subjects not properly comprised under the several departments of the government; which committees shall choose their chairman, and meet for the purpose of making to the Convention a general report."

On the question being taken on the adoption of the amendment, it was passed in the negative.

On motion of Mr. Poindexter, and seconded—That the convention now adopt the resolution as amended, it passed in the affirmative.

Whereupon—Messrs. Poindexter, Simpson, Leake, Shaw, Rankin, Wilkins, Downs, West, Lattimore, Hanna, Minton, Runnels, Ford, Mead, Jourdan, Burnet, (of Claib.) Patton, M'Kay, Bilbo and Brandon, were appointed a committee pursuant to the said resolution.

Mr. Mead offered the following resolution:

Resolved, That the Secretary of this convention be and he is hereby authorised to employ one or two assistants or clerks to aid him in the duties of his office, whose duties shall commence from and after the fourteenth instant.

On motion of Mr. Mead, and seconded—

Ordered, That said resolution lie on the table.

On motion of Mr. Poindexter, and seconded—

Ordered, That this convention do adjourn till 9 o'clock to-morrow.

FRIDAY, JULY 11, 1817.

The convention met pursuant to adjournment.

Mr. Lattimore called for the order of the day on the report of the committee appointed to prepare and report rules for the government of the convention.

And on motion of Mr Lattimore, and seconded, the convention resolved itself into a committee of the whole on said report, Mr. Barnes in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Barnes reported—that the committee had, according to order, had said report under consideration, and made an amendment therein, to which report and amendment they desired the concurrence of the convention—

And the question being taken thereon,

It was determined in the affirmative.

The question was then taken on the concurrence of said report, as amended, and passed in the affirmative.

On motion of Mr. Lattimore, and seconded—

Ordered, That said report be engrossed, and read a third time to-day.

The said report being engrossed, it was read a third time, in the following words, to wit:

STANDING ORDERS & RESOLUTIONS

For conducting Business in the Convention.

TOUCHING THE DUTIES OF THE PRESIDENT.

1st. The President shall take the chair every day at the hour to which the convention shall have adjourned on the preceding day; shall immediately call the members to order, and on the appearance of a quorum, shall cause the journals of the preceding day to be read.

2d. He shall preserve decorum and order, may speak to points of order, in preference to other members, rising from his seat for that purpose, and shall decide questions of order, subject to an appeal to the convention by any two members. On which appeal, no member shall speak more than once, unless by leave of the convention. He shall rise to put a question, but may state it sitting.

3d. Questions shall be distinctly put in this form, to wit: "As many as are of opinion that [as the question may be] say aye." And after the affirmative voice is expressed "As many as are of the contrary opinion say no." If the President doubts, or a division be called for, the convention shall divide; those of the affirmative of the question shall first rise from their seats, and afterwards those in the negative.

4th. The President shall have a general direction of the convention. He shall have a right to name any member to perform the duties of the chair, but such substitution shall not extend beyond an adjournment.

5th. Any member may call for the statement of the question, which the President may give sitting.

6th. The President, with five members, shall have power to adjourn, twelve to call a house and send for absent members, and a majority of the whole number be a quorum to proceed to business.

7th. When a member is about to speak, debate or deliver any matter to the convention, he shall rise from his seat, and respectfully address himself to Mr. President.

8th. If any member, in speaking or otherwise, transgress the rules, the President shall, or any member may, call to order, in which case the member so called to order, shall immediately sit down unless permitted to explain; and the convention shall, if applied to, decide on the case, but without debate. If the decision be in favor of the member called to order, he shall be at liberty to proceed; if otherwise, and the case require it, he shall be liable to the censure of the convention.

9th. When two or more happen to rise at the same time, the President shall name the person who is first to speak.

10th. No member shall speak more than twice to the same question, without leave of the convention.

11th. Whilst the President is putting a question, or addressing the convention, none shall walk across the room; nor when a member is speaking, enter on private discourse; or pass between him and the chair.

12th. No member shall vote on any question who was not present when the question was put, without leave of the convention.

13th. Upon calls of the convention for taking the yeas and nays on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

14th. Any two members shall have a right to call for the yeas and nays of any question.

15th. When a motion is made and seconded, it shall be stated by the President, or being in writing, shall be read aloud by the secretary, and every motion shall be reduced to writing, if the president or any member request it.

16th. Any member may call for a division of the question, where the sense will admit of it.

17th. Each member shall particularly forbear personal reflections, nor shall any member name another in argument or debate.

18th. After a motion is stated by the President, or read by the secretary, it shall be deemed in possession of the convention, but may be withdrawn at any time before the decision or amendment.

19th. When a question is under debate, no motion shall be received, but to adjourn, to postpone to a day certain, to lie on the table, for the previous question, to postpone indefinitely, to commit or amend, which several motions shall have precedence in the order they stand arranged.

20th. A motion to adjourn shall always be in order, and shall be decided without debate.

21st. The previous question shall be in this form: "shall the main question be now put?" It shall only be admitted when demanded by one third of the mem-

bers present; and until it is decided, shall preclude all amendments and further debate of the main question —on a previous question there shall be no debate.

22d. In taking the sense of the convention, a majority of the votes of the members present shall govern.

23d. No resolution, section or article in the constitution shall be finally concluded and agreed upon until the same shall have been read on the several days, unless a majority of two thirds may think it necessary to dispense with this rule, which vote shall be decided without debate.

24th. The convention shall resolve itself into a committee of the whole, when deemed necessary, and when in committee of the whole, shall be governed by the foregoing rules, except that in committee of the whole any member may speak as often as he may think proper.

25th. The President may appoint committees liable to addition or amendment, on the motion of any member, unless otherwise directed by the convention.

26th. On all questions when the yeas and nays are demanded, the president shall vote.

27th. No member shall absent himself from the service of the convention, unless he have leave, be sick, or unable to attend.

28th. Upon a call of the convention, the names of the members shall be called over by the secretary, and the absentees without leave noted, one hour after which, the names of the absentees shall again be called over, and from those no excuse, or an insufficient excuse is made, may by order of those present, if twelve in num-

ber, be taken into custody as they appear, or may be sent for, and taken into custody where to be found.

29th. When a member shall be discharged from custody, and admitted to his seat, the convention shall determine whether such discharge shall be with or without paying fees; and in like manner whether a delinquent member taken into custody by a special messenger, shall or shall not be liable to defray the expense of such special messenger.

COMMITTEES—THEIR DUTY.

30th. It shall be the duty of the committee of elections to examine and report upon the certificates of election and other credentials of the members returned to serve in this convention, and to take into their consideration all such petitions and other matters touching elections and returns, as shall or may be presented, or come in question, and be referred to them by the convention.

31st. No committee shall sit during the sitting of the convention without special leave.

32d. The secretary of the convention shall take an oath, to be administered by the president, for the true and faithful discharge of the duties of his office to the best of his knowledge and abilities—it shall be his duty to keep and preserve all records and papers introduced and submitted to the consideration of the convention, to furnish such papers as may be committed with the names of the members that compose such committee to the chairman thereof, and in all things to perform his duty as Secretary in this convention, under the direction of the President.

33d. All questions relating to the priority of business to be acted on shall be decided without debate.

On motion of Mr Poindexter, and seconded—

Ordered, That one hundred copies of said rules and orders be printed for the use of the convention.

On motion of Mr. Poindexter, and seconded—

Resolved, That the committee appointed to prepare and report a Constitution and State Government to the convention, be and they are hereby authorised to employ a clerk to said committee, who shall be allowed such compensation as shall be deemed reasonable by the convention.

The question thereon being taken, it passed in the affirmative.

On motion of Mr Poindexter, and seconded—

Resolved, That a committee be appointed to prepare and report to the convention, a memorial to the Congress of the United States, praying an extension of the boundaries of the state to be formed in the western part of the Mississippi Territory—And the question thereon being taken, it passed in the affirmative. Whereupon,

Mr. Poindexter, Davis, Turner, Barnes, Dickson, Gray and Torrence were appointed accordingly.

On motion of Mr. Shaw, and seconded—

Resolved, That an additional member be added to the committee appointed yesterday for the purpose of preparing and reporting to this convention the plan of a constitution—And the question thereon being taken, it passed in the affirmative.

Whereupon, Mr. M'Nabb was appointed accordingly.

On motion of , and seconded—

Ordered, That Louis Winston be now qualified to the faithful performance of his duty as Secretary of the convention, which was accordingly done.

On motion of Mr. Turner, and seconded—

Resolved, That when the convention adjourn, it shall adjourn until next, to give time to the committee appointed to prepare the plan of a constitution and to make their report. And the question thereon being taken, it passed in the affirmative.

Mr. Turner then moved to fill up the blank with the word "Tuesday." And the question being taken thereon, it passed in the negative.

Mr. Poindexter moved, and was seconded, that the blank be filled up with the word "Thursday"—and the question being taken thereon, it passed in the affirmative.

The yeas and nays being demanded by Mr Turner and Mr. Wilkins, two of the members present—those who voted in the affirmative are,

Yeas—Mr. President, Brandon, Barnes, Batchelor, Bilbo, Downs, Dickson, Glass, Gray, Joor, Jourdan, Knox, King, Leake, Lattimore, Minton, M'Laughlin, M'Rea, M'Leod, Poindexter, Rankin, Runnels, Simpson, Sessions, Steel, Shaw, Scott,—27.

Those who voted in the negative are,

Noes—Messrs. Burnet (of Claib.) Balch, Burton, Burnet (of Hancock,) Clark, Davis, Ford, Hanna, Johnson, Mead, M'Kay, M'Nabb, Patton, Taylor, Turner, Torrence, Wilkins, Williams, Wilkinson and West—20.

On motion of Mr. Poindexter, and seconded—

Resolved, That the standing hour to which the convention will adjourn, be eight o'clock A. M. and the question being taken, it passed in the affirmative.

On motion of Mr. Davis, and seconded—

Resolved, That when this convention adjourn, they adjourn to meet at Natchez.

The question being taken, it passed in the negative.

On motion of Mr. Clark, and seconded—

Ordered, That this convention do adjourn till Thursday the 17th inst.

THURSDAY, JULY 17, 1817.

The convention met pursuant to adjournment.

Mr. Poindexter from the committee appointed on Thursday last, to prepare and report a constitution, &c. made a report, which was received.

On motion of Mr. Poindexter, and seconded—*Ordered*, That said report be referred to a committee of the whole, and be made the order of the day for Monday next.

Mr. Poindexter moved, and was seconded, that fifty copies of said report be printed for the use of the convention—and on the question thereon being taken, it was determined in the negative.

Mr. Lattimore moved, and was seconded, that one hundred copies of said resolution be printed for the

tise of the convention—and on the question being taken, it passed in the affirmative.

On motion of Mr. Taylor, and seconded, *Resolved*, That when this convention do adjourn, it will adjourn until Monday next—and the question being taken thereon, it passed in the affirmative.

On motion of Mr. Taylor, and seconded—*Ordered*, That this convention do adjourn until Monday the 21st instant.

MONDAY, JULY 21, 1817.

The convention met pursuant to adjournment.

Mr. Poindexter called for the order of the day on the report of the committee appointed to prepare and report a plan of a constitution to the convention.

On motion of Mr. Poindexter, and seconded—The convention resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of a constitution to this convention, Mr. Burnet, (of Claiborne,) in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Burnet reported, that the committee had according to order had said report under consideration, and not having time to go through the same, had directed him to ask for leave to sit again—which was granted, &c.

On motion of Mr. Mead, and seconded, *Ordered*, That when this convention adjourn, it will adjourn until three o'clock this evening.

On motion of Mr. Mead, and seconded, *Ordered*, That this convention do now adjourn until three o'clock this evening.

THREE O'CLOCK, P. M.

The convention met pursuant to adjournment.

The convention again resolved itself into a committee of the whole on the report of committee appointed to prepare and report a plan of a constitution, Mr. Burnet, (of Claiborne,) in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Burnet reported that the committee had, according to order, had said report under consideration, and made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which was granted.

On motion of Mr. Turner, and seconded, *Ordered*, That the committee of accounts cause to be provided, as soon as practicable, a sufficient additional number of chairs and tables for the use of the members.

On motion of Mr. Turner, and seconded, *Ordered*, That the convention do now adjourn until to-morrow morning, 8 o'clock.

TUESDAY, JULY 22, 1817.

The convention met pursuant to adjournment.

On motion of Mr. Poindexter, and seconded—The convention resolved itself into a committee of the whole on the report of the committee appointed to pre-

pare and report a plan of a constitution, Mr. Burnet, (of Claiborne,) in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Burnet reported, that the committee had, according to order, had said report under consideration, had made some progress therein, but not having sufficient time to go through the same, had directed him to ask for leave to sit again—which was granted.

On motion of Mr. Poindexter, and seconded—The convention again resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of a constitution, Mr. Barnes in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Barnes reported that the committee had, according to order, had said report under consideration, had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which was granted.

On motion of Mr. Poindexter, and seconded—

Ordered, That the convention adjourn until four o'clock, P. M.

FOUR O'CLOCK, P. M.

The Convention met pursuant to adjournment.

On motion of Mr. Poindexter, and seconded—The convention resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of a constitution, Mr. Hanna in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Hanna reported

that the committee had, agreeably to order, had said report under consideration, had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again—which was granted.

On motion of Mr. Turner, and seconded—

Ordered, That the convention do now adjourn till to-morrow morning.

WEDNESDAY, JULY 23, 1817.

The convention met pursuant to adjournment, &c.

On motion of Mr. Poindexter, and seconded—The convention resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of a constitution, Mr. Hanna in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Hanna reported that the committee had, according to order, had said report under consideration, had made some progress therein, and had directed him to ask for leave to sit again—which was granted.

Mr. Minton offered the following proposition, as a section in the constitution, which was read, to wit:

The House of Representatives shall be composed of members from all the counties which now are or hereafter may be included within this State, according to their numbers of free white persons. The General Assembly shall, at their first meeting, and in the year

eighteen hundred and twenty, and in not less than three, nor more than every five years thereafter, cause an enumeration to be made of all the free white persons of this state; and the whole number of representatives shall, at the several periods of making such enumeration, be fixed by the General Assembly, and apportioned among the several counties, cities or towns, according to the number of free white persons in each. Each county containing three thousand persons, agreeably to the foregoing plan of enumeration, shall be entitled to two representatives, seven thousand to three representatives, and twelve thousand to four representatives; but each county shall have at least one, and not more than four representatives.

Ordered to lie on the table.

On motion of Mr Lattimore, and seconded—

Ordered, That sixty copies of said proposition be printed for the use of the convention.

Mr. Barnes then offered the following proposition, to wit:

Sec. 6th—The General Assembly shall in the year one thousand eight hundred and twenty, and in every five years thereafter, cause an enumeration to be taken, and the whole number of representatives shall at the several periods of taking such enumeration, be fixed by the General Assembly, and apportioned among the several counties and towns according to the number of free white persons, including three-fifths of the people of color, (Indians not taxed excepted.) The whole number of representatives shall not be less than twenty-eight nor more than forty-two, until the popu-

lation shall amount to one hundred thousand, and after that the whole number of representatives shall never be less than forty-two, nor more than one hundred: *Provided*, That each county shall have at least one representative, and not more than four representatives—which was ordered to lie on the table.

On motion of Mr. Lattimore, and seconded—

Ordered, That sixty copies of said proposition be printed for the use of the convention.

On motion of Mr. Clarke, and seconded—

Ordered, That the convention do now adjourn.

THURSDAY, JULY 24, 1817.

The Convention met pursuant to adjournment.

Mr. Lattimore offered the following resolution, to wit:

Every person who shall, after the first day of September, 1817, be concerned in fighting a duel, or in offering, bearing or accepting a challenge to fight a duel, shall be disqualified, forever thereafter, from holding any office or place of profit, honor, or trust, in this state, whether the duel be fought, or the challenge be offered, borne or accepted, in this state, or elsewhere, or whether the person or persons, so concerned, shall, at the time of fighting the duel, or of offering, bearing or accepting the challenge, reside in this state or elsewhere. Members of the General Assembly, and all officers, executive and judicial, before they en-

ter on the execution of their respective offices, shall take and subscribe the following oath or affirmation: "I solemnly swear, (or affirm,) that I will support the constitution of the United States, and the constitution of the State of Mississippi, so long as I continue a citizen thereof—that I will faithfully discharge, to the best of my abilities, the duty of———according to law; and that since the first day of September, 1817, I have not been, and that during my continuance in office, I will not be, concerned in fighting any duel, or in offering, bearing or accepting a challenge to fight a duel, either in this state or elsewhere."

Which was read and ordered to lie on the table, &c.

On motion of Mr. Lattimore, and seconded—

The convention resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of a constitution to the convention—Mr. Balch in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Balch reported, that the committee had, according to order, had said report under consideration, had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again, which was granted.

Mr. Poindexter offered the following proposition, as a substitute for the sixth section in article third, contained in the report of the committee appointed to prepare and report a plan of a constitution for the convention, to wit: The General Assembly shall, at their first meeting, and in the year one thousand eight hundred and twenty, cause an enumeration to be made of all

the free white persons in this state, including three-fifths of the people of color and slaves; and the whole number of representatives shall be apportioned among the several counties according to the number of free white persons, including three-fifths of the people of color and slaves in each; and within every three nor more than every five years, after the year eighteen hundred and twenty, the General Assembly shall cause an enumeration to be taken of all free white persons within this state, and thereafter the whole number of Senators and Representatives shall at the several periods of making such enumeration be fixed by the General Assembly, and apportioned among the several counties, according to the number of free white persons in each, allowing one representative for every——number of free white persons, and one senator for every ——— number of free white persons: *Provided*, That each county shall always be entitled to at least one representative and one senator, until the first enumeration after the year eighteen hundred and twenty; and no county shall be entitled to more than four representatives: *And provided also*, That the whole number of representatives shall not be less than twenty-eight nor more than forty-two, until the number of free persons in this state shall amount to ——— after which the whole number of representatives shall never be less than forty-two nor more than one hundred.

On motion of Mr. Poindexter, and seconded—

Ordered, That said proposition lie on the table.

Mr. Burnet (of Claiborne) offered the following proposition as a substitute for the sixth section of the third

rticle, in the report of the committee appointed to prepare and report a plan of a constitution to the convention, to wit: The General Assembly shall, in the year one thousand eight hundred and twenty, and in every five years thereafter, cause an enumeration to be made of all the free white inhabitants in this state—And representation and taxation shall be as nearly equal as may be, and shall be apportioned among the several counties and towns entitled to representation, which is and may be included in this state, which shall be determined by the General Assembly at the several periods of taking the enumeration, by adding to the whole number of free white persons in each county or town the amount of state tax passed in each year preceding such apportionment; the whole number of representatives shall not be less than twenty-eight, nor more than forty-two, until the free white population shall amount to one hundred thousand, and after that period the whole number of representatives shall never be less than forty-two nor more than one hundred: *Prorided*, That each county shall have at least one and not more than four representatives.

On motion of Mr. Burnet (of Claiborne) and seconded—

Ordered, That said proposition lie on the table.

Mr. West offered the following proposition as a substitute for the 6th section in the third article in the report of the committee appointed to prepare and report a plan of a constitution to the convention, to wit:—

Sec. —. Within —— years after the first meeting of the General Assembly, and within every subsequent

term of —— years, an enumeration of the free white inhabitants shall be made in such manner as shall be decided by law. The number of representatives shall, at the several periods of making such enumeration, be fixed by the Legislature, and apportioned among the several counties and election districts, according to the number of such free white persons in each, and shall never be less than —— nor more than ——: *Provided*, That each county shall have at least one representative: but no county, hereafter erected, shall be entitled to a separate representation, until a sufficient number of free white persons shall be contained therein to entitle it to one representative, agreeably to the ratio which shall be established.

On motion of Mr. West, and seconded—

Ordered, That said proposition lie on the table.

On motion of Mr. Mead, and seconded—

Resolved, That a select committee of seven be appointed to take into consideration the several amendments and propositions to the sixth section of the third article in the plan of the constitution, and that they likewise report on the subject of the Senatorial representation—and the question thereon being taken, it passed in the affirmative.

Whereupon, the following gentlemen were appointed accordingly, to wit: Messrs. Lattimore, Poindexter, Minton, Burnet, West, Patton and Johnson.

On motion of Mead, and seconded—

Ordered, That when this convention adjourn they adjourn until four o'clock P. M.

FOUR O'CLOCK P. M.

The Convention met according to adjournment.

Mr. Lattimore, from the committee appointed to take into consideration the several amendments and propositions to the sixth section of the third article in the plan of the constitution, made the following report:

The committee to whom were referred the several propositions to amend the sixth section of the third article of the plan of the constitution, and the subject of the senatorial representation, have considered the same, but cannot agree to recommend the adoption of either of them, or of any other proposition on the subject to which they relate.

On motion of Mr. Lattimore, and seconded—

Ordered, That the committee be discharged from the further consideration of the subjects referred to them; and the committee were accordingly discharged, &c.

On motion of Mr Lattimore, and seconded, the convention resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of the constitution—Mr. Balch in the chair; and after some time spent therein, Mr. President resumed the chair, and Mr. Balch reported, that the committee had, according to order, had said report under consideration, but not having time to go through the same, had directed him to ask leave to sit again, which was granted.

On motion of Mr. Taylor, and seconded—

Ordered, That the convention do now adjourn until to-morrow morning.

FRIDAY, JULY 25, 1817.

The convention met pursuant to adjournment.

On motion of Mr. Poindexter, and seconded—

Resolved, That the Secretary be directed to furnish the printer, employed in the service of the convention, with a copy of the Journals for publication—the question being taken thereon, it was passed in the affirmative.

Mr Dickson moved, and was seconded—That the convention do now proceed to re-consider the resolution introduced by Mr. Turner, on the second day of the convention, resolving it expedient at this time to form a constitution and state government for the people in the western part of the Mississippi Territory—

And the question being taken on the consideration of said motion, it passed in the affirmative.

The question then being called for on said motion, and the yeas and nays being demanded by Mr. Johnson and Mr. Mead, two of the members present,

On motion of Mr. Lattimore, and seconded—

Ordered, That the convention do now adjourn until to-morrow.

SATURDAY, JULY 26, 1817.

The Convention met pursuant to adjournment.

Mr. Lattimore offered the following resolutions, to wit:

Resolved, That the word 'male,' and the words 'above the age of twenty-one years,' in the 3d and 4th

lines of the 6th section of third article of the plan of the constitution, be stricken out.

Resolved, That the 5th section of the schedule be so amended as to allow to the counties of Warren, Claiborne, Jefferson, Adams, Franklin, Wilkinson and Amite four Senators, and to the counties of Pike, Lawrence, Marion, Hancock, Wayne, Green and Jackson four Senators, for three years from the first election of members to the General Assembly.

The question being taken on the consideration of said resolution, and the yeas and nays being demanded by Mr. Turner and Mr. ——, two of the members present—

Those who voted in the affirmative are,

Messrs. Barnes, Burnet [of Claiborne,] Burnet [of Hancock], Clarke, Downs, Glass, Hanna, Knox, King, Leake, Lattimore, M'Nabb, Poindexter, Runnels, Simpson, Sessions, Steel, Torrence, Turner, Wilkinson, Mr. President—21.

Those who voted in the negative are,

Messrs. Balch, Brandon, Batchelor, Burton, Bilbo, Davis, Dickson, Ford, Gray, Joor, Johnson, Jourdan, Mead, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, Patton, Rankin, Scott, Taylor, Wilkins, Williams and West—25.

The convention then proceeded to the decision of Mr, Dickson's, motion, introduced on yesterday, for the re-consideration of Mr. Turner's resolution declaring it expedient at this time to form a constitution and state government for the people in the western part of the Mississippi Territory—

And the question thereon being taken, those who voted in the affirmative are,

Messrs. Balch, Brandon, Batchelor, Burton, Bilbo, Davis, Dickson, Ford, Gray, Joor, Johnson, Jourdan, Mead, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, Patton, Poindexter, Scott, Williams and West—23.

Those who voted in the negative are,

Mr. President, Messrs. Barnes, Burnet, [of Claib.] Burnet [of Hancock] Clark, Downs, Glass, Hanna, Knox, King, Leake, Lattimore, M'Nabb, Rankin, Runnels, Simpson, Sessions, Steel, Taylor, Turner, Torrence, Wilkins and Wilkinson—23.

On motion of Mr. Wilkins, and seconded—

Ordered, That the convention do now adjourn until Monday next, &c.

MONDAY, JULY 28, 1817.

The convention met pursuant to adjournment, &c.

Mr. Turner offered the following additional standing Rules, to wit:

38th—When a question has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof: *Provided*, Such motion be made on the day succeeding the decision of such question.

39th—No standing rule shall be altered or rescinded on the day it may be adopted, without the concurrence of two-thirds of the members of the convention, nor afterwards without one day's notice.

Which were ordered to lie on the table.

On motion of Mr. Lattimore, and seconded, the convention resolved itself into a committee of the whole, on the report of the committee appointed to prepare and report a plan of the constitution, Mr. Brandon in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Brandon reported, that the committee had, according to order, had said report under consideration, had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again, which was granted.

On motion of Mr. Turner, and seconded—

Ordered, That when this convention adjourn it will adjourn until 4 o'clock P. M.

On motion of Mr. Turner, and seconded—

Ordered, That the convention do now adjourn.

FOUR O'CLOCK, P. M.

The Convention met pursuant to adjournment, &c.

On motion of Mr. Dickson, and seconded—

Resolved, That for the high regard entertained of the meritorious services rendered by the Squadron of Cavalry engaged in the defence of New-Orleans, that the late commandant of the same be invited to a seat within the bar of this house—And also, the officers of the General Government within this Territory, not members of this house.

The question being taken thereon, it passed in the affirmative.

The convention then resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of a constitution, Mr. Brandon in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Brandon reported, that the committee had, according to order, had said report under consideration, had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again, which was granted.

On motion of Mr. Poindexter, and seconded—
Ordered, That the convention do now adjourn.

TUESDAY, JULY 29, 1817.

The convention met pursuant to adjournment, &c.

Mr. Turner called for the additional rules for the government of the convention, introduced by himself on yesterday, which being read, were adopted, with the following amendment, to wit: 'And not after,' at the end of the 30th section.

On motion of Mr. Poindexter, and seconded, the convention resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of the constitution, Mr. Brandon in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Brandon reported, that the committee had, according to order, had said report under consideration, had made some pro-

gress therein, but not having time to go through the same, had directed him to ask for leave to sit again, which was granted.

On motion of Mr. Lattimore, and seconded—

Ordered, That the convention do now adjourn, &c.

WEDNESDAY, JULY 30, 1817.

The convention met pursuant to adjournment, &c.

On motion of Mr. Poindexter, and seconded, the convention resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of the constitution, Mr. Brandon in the chair, and after some time spent therein, Mr. President resumed the chair, and Mr. Brandon reported, that the committee had, according to order, had said report under consideration, had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again, which was granted.

On motion of ————, and seconded—

Ordered, That when this convention adjourn, it will adjourn till 4 o'clock P. M.

FOUR O'CLOCK P. M.

The convention met pursuant to adjournment, &c.

On motion of Mr. Runnels, and seconded, the convention resolved itself into a committee of the whole on the report of the committee appointed to prepare and

report a plan of the constitution, Mr. Brandon in the chair, and after some time spent therein, Mr. President resumed the chair and Mr. Brandon reported, that the committee had, according to order, had said report under consideration, had made some progress therein, but not having time to go through the same, had directed him to ask for leave to sit again, which was granted.

On motion of Mr. Runnels, and seconded—

Ordered, That the convention do now adjourn until to-morrow.

THURSDAY, JULY 31, 1817.

The convention met according to adjournment.

On motion of Mr. Poindexter, and seconded, the convention, according to the order of the day, again resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of a constitution, and after some time spent therein Mr. President resumed the chair, and Mr. Wilkins reported, that the committee had, according to order, the said report again under consideration, and had made further progress therein, but not having time to go through the same, had directed him to ask for leave to sit again, which was granted.

Resolved, That the convention will again resolve itself into a committee of the whole house on the said report.

On motion, the convention adjourned until half past 3 o'clock P. M.

HALF PAST THREE O'CLOCK P. M.

THURSDAY, JULY 31, 1817.

The convention met according to adjournment.

On motion, the convention again resolved itself into a committee of the whole on the report of the committee appointed to prepare and report a plan of a constitution, and after some time spent therein, Mr. President resumed the chair, and Mr. Wilkins reported, that the committee had, according to order, the said report again under consideration, and had made further progress therein, and not having time to go thro' the same, had directed him to ask for leave to sit again, which was granted.

Resolved, That the convention will again resolve itself into a committee of the whole on the said report.

On motion, the convention adjourned until to-morrow morning 8 o'clock.

FRIDAY, AUGUST 1, 1817.

The Convention met according to adjournment.

On motion of Mr. Poindexter, and seconded, the convention, according to the order of the day, again resolved itself into a committee of the whole on the report of the committee appointed to report a plan of a constitution and state government; and after some time spent therein, Mr. President resumed the chair, and Mr. Wilkins reported, that the committee had, ac-

cording to order, had said report under consideration, but not having time to go through the same, had directed him to ask for leave to sit again, which was granted.

Ordered, That when this convention adjourn it will adjourn to 4 o'clock, p. m.

Ordered, That the convention do now adjourn till 4 o'clock, p. m.

FOUR O'CLOCK, P. M.

The convention met pursuant to adjournment.

When Mr. President announced to the convention the death of Dr. John Shaw, a member of this convention from the county of Franklin.

On motion of Mr. Turner and seconded, *Resolved unanimously*, That in testimony of the high respect which the members of this convention entertain for the memory of Dr. John Shaw, late a member thereof, from the county of Franklin, deceased, they will attend his funeral on to-morrow, and will wear crape on the left arm during the remainder of the session.

Resolved, That when this convention adjourn, it will adjourn until Monday next—And the convention then adjourned till Monday next.

MONDAY, AUGUST 4, 1817.

The convention met pursuant to adjournment.

On motion of Mr. Russels and seconded—

Ordered, That Mr. Ford have leave of absence for the remainder of the session.

On motion of Mr. Poindexter, and seconded—The convention, according to the order of the day, again resolved itself into a committee of the whole on the report of the committee appointed to report a plan of a constitution and state government; and after some time spent therein, Mr. President resumed the chair, and Mr Hanna reported, that the committee had, according to order, had the said report under consideration, had made sundry amendments thereto, which he handed in at the secretary's table,

On motion of Mr. Poindexter, and seconded—

Ordered, That the said report, as amended, lie on the table.

On motion, the convention adjourned till 3 o'clock P. M.

THREE O'CLOCK P. M.

The convention met pursuant to adjournment.

On motion of Mr. Poindexter, and seconded—

Resolved, That the convention do now proceed to consider the amendments as reported from the committee of the whole to the plan of a constitution and state government.

Mr. Mead moved, and was seconded, to recommit to a select committee the 5th section of the schedule in the plan of a constitution as reported.

And the question thereon being taken,

It was determined in the negative.

The yeas and nays being demanded by two of the members present, those who voted in the affirmative are,

Mr. President, Messrs. Balch, Burton, Glass, Johnson, Knox, Mead, Sessions, Taylor, Turner, Torrence, Wilkins, Williams, West—14.

Those who voted in the negative are,

Messrs. Barnes, Burnet [of Claiborne,] Brandon, Batchelor, Burnet [of Hancock,] Bilbo, Dickson, Gray, Hanna, Jourdan, King, Leake, Lattimore, Minton, M'Laughlin, M'Leod, M'Nabb, Patton, Poindexter, Rankin, Runnels, Steel, Wilkinson—23.

Mr. Burnet (of Claiborne) called up the resolution offered some time since by Mr. Mead, to authorise the secretary to employ an assistant secretary.

And the question being taken thereon, it passed in the affirmative.

On motion of Mr. Mead, and seconded—

Resolved, That the duties of the assistant secretary commence from and after the 4th day of August inclusive.

PREAMBLE.

The several amendments made in the committee of the whole to the preamble to the plan of the constitution, being read at the Secretary's table.

And the question being taken, Will the convention concur in said amendments?

It was resolved in the affirmative.

A motion was made by Mr. Mead, and seconded, to strike out the word Mississippi in the 14th line in the preamble, and insert in lieu thereof the word Washington?

And the question being taken thereon, it was determined in the negative.

The yeas and nays being called for by two members present, those who voted in the affirmative are,

Messrs. Balch, Burton, Bilbo, Dickson, Gray, Johnson, King, Mead, M'Kay, M'Leod, M'Nabb, Poindexter, Runnels, Wilkins, Williams, Wilkinson, West—17.

Those who voted in the negative are,

Mr. President—Messrs. Barnes, Burnet, (of Claiborne) Brandon, Batchelor, Burnet, (of Hancock) Davis, Glass, Hanna, Jourdan, Knox, Leake, Lattimore, Minton, M'Laughlin, Patton, Rankin, Simpson, Sessions, Steel, Taylor, Turner, Torrence—23.

DECLARATION OF RIGHTS.

The amendments to the Declaration of Rights made in committee of the whole, being read at the Secretary's table—and the question being taken, will the Convention concur in said amendments?

It was resolved in the affirmative.

The amendments to the third section being read were concurred in.

Mr. Leake moved, and was seconded, to disagree to the amendments made by the committee of the whole to the fifth section, as to the words 'except in cases provided for in this constitution.'

And the question being taken, will the convention concur in said amendment?

It was resolved in the affirmative.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Mr. President—Messrs. Barnes, Burnet, (of Claiborne) Batchelor, Bilbo, Dickson, Glass, Johnson, Jourdan, King, M'Laughlin, M'Kay, M'Leod, M'Nabb, Patton, Poindexter, Runnels, Sessions, Taylor, Wilkins, Wilkinson—21.

Those who voted in the negative are

Messrs. Balch, Brandon, Burton, Burnet, (of Hancock) Davis, Gray, Hanna, Knox, Leake, Lattimore, Mead, Minton, Rankin, Simpson, Steel, Turner, Torrence, Williams, West—19.

A new section, No. 4, introduced in committee of the whole being read, was concurred in.

The amendment to the 6th section was also concurred in.

Mr. Mead moved, and was seconded, that the convention do re-consider their vote on the 6th section.

And the question thereon being taken, it was determined in the negative.

The amendments to the 10th, 15th and 16th sections were read and concurred in.

A new section, No. 28, introduced in committee of the whole being read, was concurred in.

On motion of Mr. Lattimore and seconded—

Resolved, That the words 'or preference,' in the second line of the 3d section, be stricken out.

Mr. Clark moved, and was seconded, to strike out the words 'the foregoing,' in the 2d line in the conclusion, and insert in lieu thereof 'this article.'

And the question thereon being taken, it was resolved in the affirmative.

Mr. Poindexter moved, and was seconded, to strike out the 7th section, and in lieu thereof, insert the following, viz:

"Sec. 7th—In prosecutions for the publication of papers investigating the official conduct of officers, or men in a public capacity, or where the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have a right to determine the law and the facts under the direction of the court, as in other cases."

On motion, the convention adjourned till 8 o'clock to-morrow.

TUESDAY, AUGUST 5, 1817.

The Convention met pursuant to adjournment.

On motion of Mr. Mead—

Ordered, That Mr. Joor have leave of absence till Monday next.

The Convention proceeded to consider the amendment proposed on yesterday by Mr. Poindexter, to strike out the 7th section in the declaration of rights, and insert in lieu thereof the section produced by the mover.

And the question thereon being taken, it was determined in the negative.

ELECTIVE FRANCHISE.

Mr. Simpson moved, and was seconded, to amend the amendment made in the committee of the whole

to the first section, by striking out the word 'enrolled' and in lieu thereof, insert the words 'liable to enrolment.'

And the question thereon being taken, it was determined in the negative.

Mr. Burton moved, and was seconded, to amend the same amendment, by striking out the words 'and shall be enrolled in the militia thereof except exempted by law from militia service.'

And the question thereon being taken, it was determined in the negative.

And the question being put, will the convention concur in the amendment to the first section?

It was resolved in the affirmative.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Messrs. Brandon, Batchelor, Burton, Burnet, (of Hancock) Bilbo, Dickson, Gray, Johnson, Jourdan, Knox, King, Lattimore, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Runnels, Scott, Torrence, Williams, Wilkinson—25.

Those who voted in the negative are

Mr. President—Messrs. Barnes, Burnet, (of Claiborne) Balch, Clark, Davis, Downs, Hanna, Leake, Mead, Rankin, Simpson, Steel, Taylor, Turner, Wilkins, West—17.

Mr. Lattimore moved, and was seconded, to amend the amendment made in the committee of the whole to the first section, by inserting after the word *vote*, these words, 'for members of the assembly and for sheriff.'

And the question thereon being taken, it was determined in the negative.

The amendment to the 2d section was read and concurred in.

Mr. Poindexter moved, and was seconded, to amend the amendment made in committee of the whole to the 3d section, to strike out the words 'shall be regulated by law,' and insert the following: 'shall be *viva voce* for and during the term of five years, and thereafter in such manner as the Legislature shall by law prescribe.'

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Messrs. Brandon, Batchelor, Bilbo, Clark, Davis, Johnson, Leake, Lattimore, Mead, M'Kay, M'Nabb, Poindexter, Simpson, Steel, Scott, Torrence, Wilkinson, West—18.

Those who voted in the negative are

Mr. President, Messrs. Barnes, Burnet, (of Claiborne) Balch, Burton, Downs, Dickson, Gray, Hanna, Jourdan, Knox, King, Minton, M'Laughlin, M'Rea, Patton, Rankin, Runnels, Taylor, Turner, Wilkins, Williams—23.

Mr. Davis moved, and was seconded, to amend the said amendment, by adding the following proviso: '*Provided*, That in all elections by ballot the voter shall place his name on the back of the ticket.'

And the question thereon being taken, it was determined in the negative.

And the question being put, will the convention concur in the 3d section as reported by the committee of the whole, it was resolved in the affirmative.

Mr. Burnet moved, and was seconded, to amend the amendment to the 1st section, by adding after the word 'service,' the following words: 'or having the aforesaid qualification of citizenship and residence, and shall have paid a State or county tax.'

And the question thereon being taken, it was resolved in the affirmative.

Mr. Burton moved, and was seconded, to amend the first section by striking out the word 21, and inserting the word 18.

And the question thereon being taken, it was determined in the negative.

LEGISLATIVE DEPARTMENT.

4th section—Mr. Lattimore moved, and was seconded, to amend the amendment made in committee of the whole to the 4th section, by striking out the word 22, and insert 24.

And the question thereon being taken, it was determined in the negative.

Mr. Taylor moved, and was seconded, to amend the said amendment by inserting the word 23 in place of the word 22.

And the question thereon being taken, it was determined in the negative.

And the question being put, will the convention concur in the amendment to the 4th section?

It was resolved in the affirmative.

5th section—Mr. Mead moved, and was seconded, to amend the first amendment to the 5th section by striking out the words 'be entitled to,' and inserting the word '*have*.'

And the question thereon being taken, it was resolved in the affirmative.

Whereupon, the 1st amendment was amended, and the 2d and 3d amendments to the fifth section being read, were concurred in.

The 1st, 2d, 3d and 4th amendments, and the amendment to the proviso to the 6th section being read, were concurred in.

The amendment to the 7th section being read, was concurred in.

The 1st, 2d and 3d amendments to the 11th section being read, were concurred in.

On motion of Mr. Lattimore, and seconded—

Resolved, That the words 'within the State,' in the 11th section, be inserted immediately after the words '*in his own right*.'

The amendment to the 14th section being read, was concurred in.

The amendment to the 20th section being read—and the question being put, will the convention concur in this amendment?

It was determined in the negative.

23d section—Mr. Poindexter moved, and was seconded, to amend the amendment of the 23d section made in committee of the whole, by striking out the words 'during the term for which he is elected,' and inserting these words: 'after the commencement of

the first session of the Legislature after his election, and during the remainder of the term for which he is elected.'

And the question thereon being taken, it was resolved in the affirmative.

And the question being put, will the convention concur in the amendment to the 23d section as amended?

It was resolved in the affirmative.

The amendments to the 24th and 25th sections being read, were concurred in.

The amendment to the 27th section, filling the blank with the words 'City of Natchez,' being read—and the question being put, will the convention concur in this amendment?

The yeas and nays were called for by two members present, and were equal.

Those who voted in the affirmative are

Mr. President, Messrs. Barnes, Burnet, (of Claiborne) Balch, Brandon, Clark, Davis, Downs, Glass, Johnson, Leake, Mead, Poindexter, Rankin, Simpson, Sessions, Steel, Scott, Taylor, Turner, Wilkins, Williams—22.

Those who voted in the negative are

Messrs. Batchelor, Burton, Burnet, (of Hancock) Bilbo, Dickson, Gray, Hanna, Jourdan, Knox, King, Lattimore, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Runnels, Torrence, Wilkinson, Wesi—22.

Mr. Simpson moved, and was seconded, that the convention do adjourn till 4 o'clock this afternoon.

And the question thereon being taken, it was determined in the negative.

And on motion of Mr. Burnet, (of Claiborne) the convention adjourned till 3 o'clock P. M.

THREE O'CLOCK P. M.

The convention met pursuant to adjournment.

On motion of Mr. Poindexter—

Resolved, That the convention do now resume the unfinished business of the morning.

Mr. Burnet (of Hancock) moved, and was seconded, to fill the blank in the 27th section with the words 'Shieldsborough, on the Bay of St. Louis.'

And the question thereon being taken, it was resolved in the affirmative.

The yeas and nays being called for by two members present, those who voted in the affirmative are

Mr. Burnet, (of Hancock) Bilbo, Davis, Dickson, Gray, Johnson, Jourdan, King, Leake, Mead, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Rankin, Runnels, Scott, Turner, Wilkins, Williams—24.

Those who voted in the negative are

Mr. President, Messrs. Barnes, Burton (of Claiborne) Balch, Brandon, Batchelor, Burton, Clark, Downs, Glass, Hanna, Knox, Lattimore, Simpson, Sessions, Steel, Taylor, Torrence, Wilkinson, West.

Mr. Burnet moved, and was seconded, to amend the 27th section by striking out the word '*forever*.'

And the question thereon being taken, it was resolved in the affirmative.

Mr. Wilkinson moved, and was seconded, to amend the sixth section, by striking out the word '*shall*,' in the first line, to the end of the second line, and insert in lieu thereof these words: 'and every five years thereafter, (adopting however, if deemed expedient, every other fifth year, the census taken under the authority of the United States.')

And the question thereon being taken, it was determined in the negative.

Mr. Barnes moved, and was seconded, to amend the 7th section by adding between the word 'inhabitants,' in the 3d line, and the word *in* in the fourth line these words: 'and the amount of State taxes assessed the preceding year.'

Mr. Leake moved, and was seconded, that the convention do adjourn.

And the question thereon being taken, it was determined in the negative.

On motion of Mr. Simpson, and seconded, the convention adjourned till 8 o'clock to-morrow.

WEDNESDAY, AUGUST 6, 1817.

The convention met pursuant to adjournment.

Mr. Poindexter offered for adoption the following as a new section to be inserted under the third article, "Section the general assembly shall at their first session appoint commissioners whose duty it shall be to fix on a place as near the centre of the

state as may be, taking into consideration the present population and the probable extinguishment of Indian title, which shall be established by law as the seat of government for this State for the period of ten years thereafter"—which was ordered to lie on the table.

On motion of Mr. Poindexter—

Resolved, That the convention do resume the unfinished business of yesterday, the amendment proposed to the 7th section by Mr. Barnes being under consideration.

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present,

Those who voted in the affirmative are

Mr. President, Messrs. Barnes, Burnet (of Claiborne) Brandon, Clarke, Downs, Glass, Johnson, Leake, Mead, Rankin, Simpson, Sessions, Steel, Scott, Taylor, Turner, Wilkins—18.

Those who voted in the negative are,

Messrs. Batchelor, Burton, Burnet (of Hancock) Bilbo, Davis, Dickson, Gray, Hanna, Jourdan, Knox, King, Lattimore, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Rumnels, Torrence, Williams, Wilkinson, West—25.

Mr. Mead moved, and was seconded, to re-commit to a select committee the 7th section of the third article, on the subject of elective franchise.

And the question thereon being taken, it was determined in the negative.

Mr. Clark moved, and was seconded, to amend the 7th section, to strike out the words "free white inhabitants," and insert in lieu thereof "free white taxable inhabitants."

And the question thereon being taken, it passed in the affirmative—yeas 23—nays 21.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Mr. President, Messrs. Barnes, Burnet [of Claib.] Brandon, Burton, Clark, Davis, Downs, Glass, Hanna, Johnson, Leake, Lattimore, Mead, Rankin, Simpson, Sessions, Steel, Scott, Taylor, Turner, Wilkins, Williams—23.

Those who voted in the negative are

Messrs. Balch, Batchelor, Burnet [of Han.] Bilbo, Dickson, ray, Jourdan, Knox, King, Minton, M'Laughlin, M'Kay, M'Rae, M'Leod, M'Nabb, Patton, Poindexter, Runnels, Torrence, Wilkinson, West —21.

Mr. Mead offered the following resolution for the adoption of the convention:

Resolved, That a committee of members be appointed to enquire into the policy of providing for a due influence of property in the general assembly, and that they report thereon at 4 o'clock this afternoon,"—which was ordered to lie on the table.

On motion of Mr. Lattimore, and seconded—

Ordered, That the words 'within this State,' be transposed and inserted immediately after the word 'right' in the 4th line.

Mr. Davis moved, and was seconded, to amend the amendment in the 24th section, to strike out in the 4th line the words 'or justice of the peace and of the quorum.'

And the question thereon being taken, it was determined in the negative.

Mr. Mead moved, and was seconded, to amend the 24th section, by inserting after the word *State*, in the 3d line, these words, ' the office of post-master excepted.'

And the question being put, was resolved in the affirmative.

Mr. Davis moved, and was seconded, to amend the 24th section, to insert after the word 'militia' in the fourth line, these words: 'to which there is attached no annual salary.'

And the question thereon being taken, it was resolved in the affirmative.

Mr. Scott moved, and was seconded, to amend the second section, to strike out the words 'one year,' and in lieu thereof insert the words 'two years.'

And the question thereon being taken, it was determined in the negative.

The yeas and nays being demanded by two of the members present—those who voted in the affirmative are

Messrs. Barnes, Balch, Burton, Johnson, Scott, Taylor, Turner, Wilkins, Williams, Wilkinson—10.

Those who voted in the negative are

Mr. President, Messrs. Burnet, (of Claiborne) Brandon, Batchelor, Burnet, (of Hancock) Bilbo, Clark,

Davis, Dickson, Glass, Gray, Hanna, Jourdan, Knox, King, Leake, Lattimore, Mead, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Rankin, Runnels, Simpson, Sessions, Steel, Torrence, West—33.

On motion of Mr. Leake, and seconded—

Ordered, That the words 'and Tuesday' in the 3d section be stricken out, and insert after the word August these words: 'and the day following.'

Mr Rankin moved, and was seconded, to amend the 5th section, to strike out the words 'qualified voters' in the 4th and 6th lines, and in lieu thereof insert the words 'free white inhabitants.'

And the question thereon being taken, it was resolved in the affirmative.

Mr. Leake moved, and was seconded, to strike out the 27th section as amended.

And the question thereon being taken, it was determined in the negative.

Mr. Leake moved, and was seconded, to reconsider the vote taken on yesterday upon the filling the blank in the 27th section.

And the question thereon being taken, it was resolved in the affirmative.

The question then recurred on filling up the said blank with the words 'Shieldsborough, on the Bay of St. Louis.'

And the question being put, was determined in the negative.

Mr. Batchelor moved, and was seconded, to fill the said blank with the word 'Liberty.'

And the question being taken, it was determined in the negative.

Mr. Poindexter moved, and was seconded, to fill the said blank with the word 'Natchez.'

And the question thereon being taken, it was resolved in the affirmative.

The yeas and nays being demanded by two members present—those who voted in the affirmative are

Mr. President, Messrs. Barnes, Burnet, [of Claiborne] Balch, Braadon, Clark, Davis, Downs, Glass, Johnson, Knox, Leake, Mead, Poindexter, Rankin, Simpson, Sessions, Steel, Scott, Taylor, Turner, Wilkins, Williams—23.

Those who voted in the negative are

Messrs. Batchelor, Burton, Burnet [of Hancock] Bilbo, Dickson, Gray, Hanna, Jourdan, King, Lattimore, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Runnels, Torrence, Wilkinson, West—21.

Mr. Simpson moved, and was seconded, that when the convention adjourns, that it will adjourn till 4 o'clock, P. M.

And the question being put, was determined in the negative.

Mr. Wilkins moved, and was seconded, that when the convention adjourns, that it will adjourn till 3 o'clock P. M.

And the question thereon being taken, it was resolved in the affirmative.

And then the convention adjourned till 3 o'clock P. M.

THREE O'CLOCK P. M.

The convention met pursuant to adjournment.

The convention resumed the unfinished business of the day.

Mr. Burnet [of Claiborne] moved, and was seconded, to add the following as a new section, to be inserted under the third article: 'The General Assembly shall, at their first session, fix on a temporary seat of government, which place, when so fixed on, shall be the seat of government for five years thereafter.'

Mr. Burnet [of Hancock] moved, and was seconded, to amend the said section in these words: 'shall appoint five commissioners, one from Jackson, one from Wayne, one from Wilkinson, one from Warren, and one from Pike, whose duty it shall be to fix on a temporary seat of government, which place shall be the seat of government for —— years thereafter.'

And the question thereon being taken, it was determined in the negative.

The question recurred upon the adoption of the section last moved, and was determined in the negative.

Mr. Minton moved, and was seconded, to amend the third article by adding the following as a new section:

'The general assembly shall, at their first session, fix on a suitable place for the seat of government, where it shall remain —— years, or until, by the extinguishment of Indian title to lands, the centre of the state can be obtained; at which time the seat of government shall be permanently fixed at or as near the centre of the state as may be convenient, and removed

thereto so soon as suitable buildings are erected for the accommodation of the two houses of the general assembly.'

Mr. Mead moved, and was seconded, to amend the amendment by striking out the word 'shall,' and inserting in lieu thereof the word 'may.'

And the question being taken thereon, it was determined in the negative.

Mr. Poindexter moved, and was seconded, to amend the new section proposed by Mr. Minton, to strike out from the word 'lands' to the word 'convenient,' and in lieu thereof insert these words: 'they shall deem it expedient to remove the same to a more central part of the state.'

And the question thereon being taken, it was determined in the negative.

Mr. Leake moved, and was seconded, to amend the same section by inserting after the word 'remain,' the words 'for —— years, or.'

And the question being put, it was determined in the negative.

The question then recurred upon the adoption of the section as moved by Mr. Minton.

And the question being put, it was determined in the negative.

The yeas and nays being demanded by two members present—those who voted in the affirmative are

Mr. President, Messrs. Brandon, Clark, Davis, Gray, Johnson, Knox, Leake, Minton, Rankin, Steel, Scott, Taylor, Wilkins, Williams, West—16.

Those who voted in the negative are

Messrs. Barnes, Burnet [of Claiborne] Balch, Batchelor, Burton, Burnet [of Han.] Bilbo, Dickson, Glass, Hanna, Jourdan, King, Lattimore, Mead M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Runnels, Simpson, Sessions, Turner, Torrence, Wilkinson—27.

Mr. Mead moved, and was seconded, to adopt the following as a new section, to be inserted under the 3d article:

'The seat of government shall remain at the city of Natchez for five years, and thereafter be fixed by the General Assembly.'

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Mr. President, Messrs. Balch, Brandon, Glass, Johnson, Leake, Mead, Rankin, Simpson, Sessions, Steel, Scott, Taylor, Turner, Wilkins, Williams—16.

Those who voted in the negative are,

Messrs. Barnes, Burnet (of Claiborne) Batchelor, Burton, Burnet (of Hancock) Bilbo, Clarke, Davis, Dickson, Gray, Hanna, Jourdan, Knox, King, Lattimore, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Runnels, Torrence, Wilkinson, West—27.

Mr. Simpson moved, and was seconded, to add as a new section, to be inserted under the third article, the following:

'The general assembly shall at their first session fix on a suitable place for the seat of government, at which it shall remain for ——— years, and until removed by law.'

And the question being taken, it was determined in the negative.

Mr. Davis offered for adoption the following as a new section to be inserted under the 3d article.

'The general assembly shall at their first session fix on a suitable place for the seat of government, which shall remain the seat of government until removed by a majority of three-fifths of both houses of the legislature.'

And the question thereon being taken, it was determined in the negative.

Mr Wilkins moved, and was seconded, to adjourn.

And the question being put, it was determined in the negative.

Mr. Mead moved, and was seconded, to amend the 27th section of the 3d article, by inserting after the word 'Natchez,' in the 2d line, these words: 'for and during the period of five years, and thereafter at such place as may be directed by law.'

And debate arising thereon—

Mr. Mead moved, and was seconded, that the convention do now adjourn.

And the question thereon being taken, it was determined in the negative.

Mr. Poindexter moved, and was seconded, to amend the amendment proposed by Mr. Mead, by striking out the words 'for and during the period of five years.'

And debate arising thereon—

Mr. Burnet (of Claiborne) moved an adjournment, which was determined in the negative.

Mr. Taylor moved, and was seconded, to adjourn.

And the question thereon being taken, it was determined in the negative.

The question then recurred on Mr. Poindexter's amendment to the amendment proposed by Mr. Mead.

And the question thereon being taken, it was resolved in the affirmative.

The question then recurred on the motion of Mr. Mead as amended.

And the same being put, it was resolved in the affirmative.

And then the convention adjourned till to-morrow morning 8 o'clock.

THURSDAY, AUGUST 7, 1817.

The convention met pursuant to adjournment.

Mr. Poindexter offered for the consideration of the convention, the following resolution:

'*Resolved*, That the Secretary be directed to have printed for the use of the members copies of the Journal of the proceedings of the convention.'

And the question being taken to now consider the said resolution, it was resolved in the affirmative.

On motion of Mr. Latimore, and seconded—

Ordered, That the blank in said resolution be filled with the words "five hundred."

On motion of Mr. Poindexter, the convention resumed the unfinished business.

On motion of Mr. Burton, and seconded, the following was offered as a new section to be inserted under the third article:

Sec. ——— The Legislature shall at their first session pass a law directing that one commissioner be elected from each county in the State by the qualified electors thereof, whose duty it shall be or a majority of them, to fix on the seat of government for years for the same, as near the centre thereof with reference to population as may be.'

And the question thereon being taken, it was determined in the negative.

Mr. Mead moved, and was seconded, that the unfinished business lie on the table.

And the question being taken thereon, it was determined in the negative.

FOURTH ARTICLE.

EXECUTIVE DEPARTMENT.

The amendment to the second section being read at the Secretary's table,

And the question on concurrence therein being taken, it was resolved in the affirmative.

The first amendment to the 3d section, striking out the word 'native,' in the first line being read;

And the question of concurrence being thereon taken, it was resolved in the affirmative.

The yeas and nays being demanded by two members present—those who voted in the affirmative are

Mr. President—Messrs. Barnes, Brandon, Bilbo, Davis, Downs, Glass, Gray, Hanna, Knox, King, Leake, Lattimore, Minton, M'Laughlin, M'Rea, M'Nabb, Poindexter, Rankin, Simpson, Sessions, Scott, Taylor, Turner, Torrence, Wilkinson—26.

Those who voted in the negative are

Messrs. Burnet, (of Claiborne) Batchelor, Burton, Burnet, (of Hancock) Clark, Dickson, Johnson, Jourdan, Mead, M'Kay, M'Leod, Patton, Runnels, Steel, Wilkins, Williams, West—17.

The second amendment in the 3d line being read, was concurred in.

Mr. Poindexter moved, and was seconded, to amend the amendment to the 10th section made in committee of the whole, by adding after the word 'Senate,' these words: 'but may respite the sentence till the end of the next session of the general assembly.'

And the question thereon being taken, it was resolved in the affirmative.

The question then recurred upon concurring in the amendment as amended.

And the question being put, it was resolved in the affirmative.

The amendments to the 11th, 12th, 14th and 16th sections being read at the Secretary's table, were concurred in by the convention.

Mr. Simpson moved, and was seconded, to amend the amendment to the 17th and 18th sections, by striking out from the word 'officers,' and inserting these words: 'shall be as follows: the Governor shall nominate, and by and with the advice and consent of the

Senate, shall appoint all officers whose appointments are not otherwise directed by this constitution.'

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Mr. President—Messrs. Barnes, Burnet, (of Claiborne) Brandon, Clark, Davis, Downs, Glass, Hanna, Leake, Lattimore, Poindexter, Rankin, Simpson, Sessions, Steel, Taylor, Turner, Torrence, Wilkins, Wilkinson—21.

Those who voted in the negative are

Messrs. Batchelor, Burton, Burnet, (of Hancock) Bilbo, Dickson, Gray, Johnson, Jourdan, Knox, King, Mead, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Runnels, Scott, Williams, West—22.

Mr. Lattimore moved, and was seconded, to amend the amendment by striking out the words 'recorded and published,' and inserting these words: 'and recorded in the public journals of each house.'

And the question thereon being taken, it was resolved in the affirmative.

The question then recurred on concurring in the amendment as amended.

And the question being put, it was resolved in the affirmative.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Messrs. Brandon, Batchelor, Burton, Burnet, (of Hancock) Bilbo, Dickson, Gray, Hanna, Johnson, Jourdan, Knox, King, Mead, Minton, M'Laughlin,

M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Runnels, Scott, Williams, West—24.

Those who voted in the negative are

Mr. President, Messrs. Barnes, Burnet (of Claiborne) Clark, Davis, Downs, Glass, Leake, Lattimore, Poindexter, Rankin, Sessions, Steel, Taylor, Turner, Torrence, Wilkins, Wilkinson—18.

On motion of Mr. Burton, and seconded, that when the convention adjourns it will adjourn till 3 o'clock, P. M.

And the question being taken, it was determined in the negative.

The first amendment to the 26th section being read, was concurred in.

The 2d amendment to the 26th section being read, and upon the question, will the convention concur in said amendment?

It was determined in the negative.

The amendment to the 27th section being read at the Secretary's table, was concurred in.

On motion of Mr. Lattimore, and seconded, to amend the 3d section, by inserting after the word 'age,' in the first line these words: 'shall have been a citizen of the United States twenty years.'

And the question thereon being taken, it was resolved in the affirmative.

Mr. Runnels moved and was seconded, that when the convention adjourn, it will adjourn till half past 8 o'clock, P. M.

And the question thereon being taken, it was resolved in the affirmative.

And so the convention adjourned till half after 3 o'clock, P. M.

HALF AFTER THREE O'CLOCK P. M.

The convention met pursuant to adjournment.

The convention resumed the unfinished business.—The report from the committee of the whole being still under consideration.

Mr. Simpson moved, and was seconded, to amend the 15th section, by striking out the words 'a majority of all the members elected to,' in the 4th and 5th lines, and to insert in lieu thereof these words: 'two-thirds of,' and the like amendment in the 6th and 7th lines.

And the question thereon being taken, it was resolved in the affirmative.

The yeas and nays being called for by two members present, those who voted in the affirmative are

Mr. President, Messrs. Barnes, Brandon, Burnet [of Han.] Bilbo, Clark, Davis, Downs, Dickson, Glass, Gray, Hanna, Jourdan, Knox, King, Leake, Lattimore, Mead M'Laughlin, M'Kay, M'Nabb, Patton, Poindexter, Rankin, Simpson, Sessions, Steel, Taylor, Turner, Torrence, Wilkins, Wilkinson—32.

Those who voted in the negative are

Messrs. Burnet [of Claiborne] Batchelor, Burton, Johnson, Minton, M'Rea, M'Leod, Runnels, Scott, Williams, West—11.

Mr. Burton moved, and was seconded, to strike out the 15th section as amended.

And the question thereon being taken, it was determined in the negative.

The yeas and nays were demanded by two members present—those who voted in the affirmative are

Messrs. Batchelor, Burton, Johnson, Scott, West —5.

Those who voted in the negative are,

Mr. President, Messrs. Barnes, Burnet (of Claiborne) Brandon, Burnet (of Hancock) Bilbo, Clark, Davis, Downs, Dickson, Glass, Gray, Hanna, Jourdan, Knox, King, Leake, Lattimore, Mead, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Rankin, Runnels, Simpson, Sessions, Steel, Taylor, Turner, Torrence, Wilkins, Williams, Wilkinson—38.

Mr. Mead moved, and was seconded, to amend the amendment to the 17th and 18th sections, by adding the following proviso—"Provided that the general as...oly be authorized to provide by law for the appointment of all inspectors, collectors and their deputies, surveyors of highways, constables, and such other inferior officers whose jurisdiction may be confined within the limits of the county."

Mr. Burton moved to amend the said last amendment by striking out from the word "all," in the 3d line, to the word "highways" in the 5th line.

And the question thereon being taken, it was determined in the negative.

The question then recurred on the amendment as last proposed by Mr. Mead—

And the question being put—it was resolved in the affirmative.

MILITIA.

The amendments reported from the committee of the whole, to the 1st, 2d, 3d, 4th, 5th, 6th and 7th sections, being read at the Secretary's table, were concurred in.

Mr. Poindexter moved, and was seconded, to adopt the following as a new section, to be inserted under this head—

"Section 4th. The Governor shall have power to call forth the militia to execute the laws of the State, to suppress insurrections and repel invasions."

And the question thereon being taken, it was resolved in the affirmative.

ARTICLE FIFTH.

JUDICIAL DEPARTMENT.

The amendments to the first section being read at the Secretary's table was concurred in.

Mr. Poindexter moved, and was seconded, to amend the amendment made in the second section, by striking out the word "inferior."

And the question thereon being taken, it was resolved in the affirmative.

Mr. Simpson moved, and was seconded, to farther amend the amendment to the second section, by adding the word "supreme" after the word "the" in the second line.

And the question thereon being taken, it was resolved in the affirmative.

The question then recurred on concurring in the amendment as amended.

And the question being put, it was resolved in the affirmative.

The amendment to the 3d section being read, was concurred in.

Mr. Poindexter moved, and was seconded, to amend the 4th section, by striking out the words 'its jurisdiction' in the 2d line, and in lieu thereof insert 'this State.'

And the question thereon being put, it was resolved in the affirmative.

The question recurred on concurring in the amendment to the fourth section, and being put, it was resolved in the affirmative.

The amendments to the 5th, 6th and 7th sections being read, were concurred in.

Mr. Davis moved, and was seconded, to amend the amendment to the 8th section, by striking out the words 'to the superior courts.'

And the question thereon being taken, it was resolved in the affirmative.

Whereupon—the amendment as amended being read, was concurred in.

The 1st and 2d amendments to the 9th section being read at the Secretary's table, were concurred in.

Mr. Scott moved, and was seconded, to amend the 3d amendment to the 9th section, by striking out the words 'majority of all the members elected,' and in lieu thereof to insert the words "two-thirds of the members present."

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Mr. President, Messrs. Brandon, Batchelor, Clark, Davis, Downs, Johnson, Leake, Mead, Poindexter, Rankin, Simpson, Sessions, Steel, Scott, Taylor, Turner, Torrence, Wilkins, Williams—20.

Those who voted in the negative are

Messrs. Barnes, Burnet, [of Claiborne] Burton, Burnet [of Hancock] Bilbo, Dickson, Glass, Gray, Hanna, Jourdan, Knox, King, Lattimore, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Runnels, Wilkinson, West—23.

Mr. Clark moved, and was seconded, to amend the 3d amendment to the 9th section, by adding the following proviso: 'Provided, That the members voting on such address shall be on oath or affirmation.'

And the question thereon being taken, it was resolved in the affirmative.

Mr. Burton moved and was seconded, that the convention do now adjourn.

And the question thereon being taken, it was determined in the negative.

The question then recurred on concurring in the 3d amendment to the 9th section as amended.

And the question thereon being taken, it was determined in the negative.

And then the convention adjourned till 8 o'clock to-morrow morning.

FRIDAY, AUGUST 8, 1817.

The Convention met pursuant to adjournment.

On motion of Mr. Poindexter—

The convention resumed the unfinished business—the amendments in committee of the whole, in the judicial department, being under consideration.

The new section to be inserted between the 9th and 10th sections, being read, was concurred in.

Mr. Mead offered the following as a new section, to be inserted under the 5th article.

"Section No person shall be appointed a judge of the supreme or superior courts of this state who shall not have been a resident of this state for years and be years of age."

Which being read, and the question thereon taken, it was determined in the negative.

The first amendment to the 10th section being read, was concurred in.

Mr. Runnels moved and was seconded, to amend the second amendment to the 10th section, by striking out the word *six* and insert the word "twelve', in lieu thereof.

And the question thereon being taken, it was determined in the negative.

The question then recurred on concurring in the amendment.

And the question thereon being put, it was resolved in the affirmative.

The amendments to the eleventh section being read, were concurred in.

The amendments to the 13th section being read, were concurred in.

IMPEACHMENTS.

Mr. Leake moved, and was seconded, to amend the second section in the third line, by striking out the words "all the members elected to the Senate," and in lieu thereof insert these words, "the members present."

And the question thereon being taken, it was resolved in the affirmative.

Mr. Burton moved, and was seconded, to adopt the following as a new section, to be inserted under this head—viz:

"Section At the conclusion of the circuits of the superior courts the judges shall meet and sit at ——— for the purpose of hearing and determining all motions which may be made for new trials and in arrest of judgments and such points of law as may be submitted to them."

And the question thereon being taken, it was determined in the negative.

Mr. Simpson moved, and was seconded, to adopt the following as a new section, to be inserted after the 11th section—

"Section The general assembly shall have power to constitute one supreme court, to consist of not less than nor more than judges, who shall be distinct from the judges of the superior and other courts, and who shall have appellate jurisdiction only, except that they shall have power to issue writs

of *mandamus*, prohibition, *quo warrants*, *habeas corpus* and any other remedial or prerogative writs which may be necessary to the exercise of a general superintending authority over all inferior tribunals."

Mr. Lattimore moved, and was seconded, to amend the new section offered by Mr. Simpson, by adding the following provision:

"Provided that the power herein given shall not be exercised by the general assembly until the white population of the State shall amount to one hundred and fifty thousand."

And the question thereon being taken, it was determined in the negative.

The question then recurred on the adoption of the new section offered by Mr. Simpson—

And the question thereon being taken, it was determined in the negative.

The yeas and nays were called for, when,

Mr. Davis moved, and was seconded, to reconsider the vote taken upon the proviso to the last named section.

And the question being put, it was determined in the negative.

The yeas and nays upon the vote on Mr. Simpson's offered section, are as follow:—

Those who voted in the affirmative are

Mr. President—Messrs. Balch, Brandon, Clark, Davis, Downs, Glass, Leake, Mead, Rankin, Simpson, Sessions, Steel, Taylor, Turner, Wilkins, West —17.

Those who voted in the negative are

Messrs. Barnes, Burnet, (of Claiborne) Burton, Burnet, (of Hancock) Bilbo, Gray, Hanna, Johnson, Jourdan, King, Knox, Lattimore, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Runnels, Scott, Torrence, Williams, Wilkinson—25.

Mr. Runnels moved, and was seconded, to amend the 9th section, by striking out in the 2d line these words: 'during good behaviour,' and insert in lieu thereof, 'for years.'

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present, those who voted in the affirmative are

Messrs. Balch, Burnet, (of Hancock) Bilbo, Dickson, Gray, Jourdan, Knox, King, Lattimore, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Runnels, Torrence, Wilkinson, West—20.

Those who voted in the negative are

Mr. President, Messrs. Barnes, Burnet (of Claiborne) Brandon, Batchelor, Burton, Clark, Davis, Downs, Glass, Hanna, Johnson, Leake, Mead, Poindexter, Rankin, Simpson, Sessions, Steel, Scott, Taylor, Turner, Wilkins, Williams—24.

Mr. Mead moved, and was seconded, to adopt the following as a new section, to be inserted after the 13th section: "The chancery powers of this State shall be vested in a special jury, and regulated in such manner as may be prescribed by law."

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present, those who voted in the affirmative are

Messrs. Mead, M'Rea, Patton, Runnels—4.

Those who voted in the negative are

Mr. President, Messrs. Barnes, Burnet, (of Claiborne) Balch, Brandon, Batchelor, Burton, Burnet, (of Hancock) Bilbo, Clark, Davis, Downs, Dickson, Gloss, Gray, Hanna, Johnson, Knox, King, Leake, Latimore, M'Laughlin, M'Kay, M'Leod, M'Nabb, Poindexter, Rankin, Simpson, Sessions, Steel, Scott, Taylor, Turner, Torrence, Wilkins, Williams, Wilkinson, West—38.

Mr. Burnet (of Claiborne) moved, and was seconded, to amend the 4th section in judicial proceedings, by striking out the word 'exclusive,' in the first line.

And the question thereon being taken, it was resolved in the affirmative.

Mr. Runnels moved, and was seconded, to amend the 10th section, by striking out in the first line these words: 'during good behaviour,' and insert 'for years.'

And the question being taken thereon, it was determined in the negative.

Mr. Burnet (of Hancock) moved to amend the 9th section, by striking out in the 2d line these words: 'during good behaviour,' and insert in lieu thereof these words: 'for the term of six years; provided, however, that the general assembly shall have the power to appoint the judges during good behaviour, if they shall deem that method the best.'

A division of the question being called for, and the question for striking out being put, it was determined in the negative.

Mr. West moved, and was seconded, to strike out the 8th section as reported by the select committee, and in lieu thereof insert the following:

"A number of justices of the peace shall be appointed for each county by the joint vote of the general assembly, not exceeding two for a company district, except for the district including the court house, or county town, which shall not exceed three, for he term of years, whose jurisdiction in civil cases shall be limited to causes in which the amount in controversy shall not exceed dollars."

A division of the question being called for, and the question being taken upon striking out, it was determined in the negative.

Mr. West moved to amend the 8th section as reported by the select committee, by striking out the word "fifty" and in lieu thereof insert the word "twenty."

And the question thereon being taken, it was determined in the negative.

Mr. Scott moved to amend the same section by striking out the word "fifty" and insert in lieu thereof the words "seventy-five."

A division of the question being called for, and the question upon striking out being put, it was determined in the negative.

ARTICLE SIXTH.

GENERAL PROVISIONS.

The amendment to the first section being read, and the question being put—will the convention concur in this amendment?

It was determined in the negative.

A new section reported from the committee of the whole to be inserted after the 1st section being read,

Mr. Lattimore moved, and was seconded, to amend the said section by striking out the words "have power to."

And the question thereon being taken, it was determined in the negative.

The yeas and nays being demanded by two members present—those who voted in the affirmative are

Mr. President, Messrs. Hanna, King, Lattimore, M'Rea, M'Leod, Patton, Runnels, Simpson, Sessions, Torrence, Wilkinson, West—13.

Those who voted in the negative are

Messrs. Barnes, Burnet, (of Claiborne) Balch, Brandon, Batchelor, Burton, Burnet, (of Hancock) Bilbo, Clark, Davis, Dickson, Glass, Gray, Johnson, Jourdan, Knox, Leake, Mead, M'Laughlin, M'Kay, M'Nabb, Poindexter, Steel, Scott, Taylor, Turner, Williams—27.

The question recurred on concurring in the amendment proposing the new section.

And the question thereon being taken, it was resolved in the affirmative.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Mr. President, Messrs. Burnet, [of Claiborne] Balch, Brandon, Batchelor, Burton, Burnet [of Hancock] Bilbo, Clark, Dickson, Glass, Gray, Hanna, Johnson, Jourdan, Knox, King, Leake, Lattimore, Mead, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Runnels, Sessions, Simpson, Steel, Scott, Taylor, Turner, Torrence, Wilkinson, West—37.

Mr. Simpson moved, and was seconded, that when this convention does adjourn, it will adjourn till 3 o'clock, P. M.

And the question thereon being taken; it was resolved in the affirmative.

And then, on motion of Mr. Simpson, the convention adjourned till 3 o'clock, P. M.

THREE O'CLOCK P. M.

The convention met pursuant to adjournment.

On motion,

The convention resumed the unfinished business; the report of the committee of the whole on the general provisions in the constitution being under consideration.

The amendment adding a new section, to be inserted immediately after the 7th section, being read, was concurred in.

The amendments striking out the 9th and 11th sections were concurred in.

Mr. Lattimore moved, and was seconded, to amend the amendment inserting a new section after the 13th section, by striking out the words 'twenty-one,' and in lieu thereof to insert 'nineteen.'

And the question thereon being taken, it was determined in the negative.

Mr. Clark moved, and was seconded, to amend the same amendment, by adding after the words 'parties to,' these words: 'for a *bona fide* loan of money.'

And the question thereon being taken, it was resolved in the affirmative.

The yeas and nays being demanded by two members present—those who voted in the affirmative are

Messrs. Balch, Brandon, Batchelor, Burton, Burnet, (of Hancock) Bilbo, Clark, Glass, Gray, Hanna, Jourdan, Knox, King, Leake, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Runnels, Sessions, Steel, Scott, Taylor, Turner, Wilkins, Wilkinson—29.

Those who voted in the negative are

Mr. President, Messrs. Barnes, Burnet, (of Claiborne) Davis, Downs, Dickson, Johnson, Lattimore, Mead, Rankin, Simpson, Torrence, Williams, West—14.

The question then recurred on concurring in the amendment as amended.

And the question being put, it was resolved in the affirmative.

The amendment to the 14th section being read, was concurred in.

Mr. Burnet (of Claiborne) moved, and was seconded, to amend the amendment to the 15th section, by striking out the number '576,' and inserting '900.'

And the question thereon being taken, it was determined in the negative.

The question then recurred on concurring in the amendment.

And the question being put, it was resolved in the affirmative.

The amendment adding the 16th and 17th sections being read was concurred in.

Mr. Taylor moved to amend the 19th section, being a new one proposed in committee of the whole, by striking out the proviso.

And the question being taken, it was determined in the negative.

The question then recurred on concurring in the amendment adding the new section, No. 19th.

And the question being put, it was resolved in the affirmative.

SLAVES.

The amendments to the 1st section being read, were concurred in.

The amendments to the 2d section being read, were concurred in.

Mr. Burnet (of Claiborne) moved, and was seconded, to strike out the 2d section.

And the question thereon being taken, it was determined in the negative.

Mr. Lattimore moved, and was seconded, to amend the 1st section, by striking out the words 'owner or

owners' in the last line, and in lieu thereof insert the word 'poor.'

The yeas and nays being called for by two members present—those who voted in the affirmative are

Messrs. Davis, Gray, Lattimore, M'Rea, Wilkinson—5.

Those who voted in the negative are

Mr. President—Messrs. Barnes, Burnet, (of Claiborne) Balch, Brandon, Batchelor, Burton, Burnet, (of Hancock) Bilbo, Clark, Downs, Dickson, Glass, Hanna, Johnson, Jourdan, Knox, King, Leake, Mead, Minton, M'Laughlin, M'Kay, M'Leod, M'Nabb, Patton, Poindexter, Rankin, Runnels, Simpson, Sessions, Steel, Scott, Turner, Torrence, Wilkins, Williams, West—38.

And so it was determined in the negative.

GENERAL PROVISIONS.

Mr. Lattimore moved, and was seconded, to amend the amendment by adding a new section, to be inserted after the 1st section, the following:

"Every person who shall, after the first day of September, one thousand eight hundred and seventeen, be concerned in fighting a duel, or in offering, bearing, or accepting a challenge to fight a duel, shall be disqualified forever thereafter, from holding any office or place of profit, honor or trust in this State, whether the duel be fought, or the challenge be offered, borne or accepted in this State or elsewhere, or whether the person or persons so concerned shall, at the time of fighting the duel, or of offering, bearing or accepting

the challenge, reside in this State or elsewhere."

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present, those who voted in the affirmative are

Messrs. Hanna, Lattimore, Simpson, Sessions, Torrence, Wilkinson—6.

Those who voted in the negative are

Mr. President, Messrs. Barnes, Burnet (of Claiborne) Balch, Brandon, Batchelor, Burton, Burnet, (of Hancock) Bilbo, Clark, Davis, Downs, Dickson, Gray, Johnson, Jourdan, Knox, King, Leake, Mead, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Rankin, Runnels, Steel, Scott, Taylor, Turner, Wilkins, Williams, West—37.

Mr. Davis moved, and was seconded, to strike out the 5th section.

The yeas and nays being called for by two members present, those who voted in the affirmative are

Mr. President, Messrs. Balch, Brandon, Burnet, (of Hancock) Davis, Downs, Gray, Hanna, Knox, Leake, Lattimore, Mead, Poindexter, Rankin, Simpson, Steel, Scott, Turner, Torrence, Williams, West —21.

Those who voted in the negative are

Messrs. Barnes, Burnet, (of Claiborne) Batchelor, Bilbo, Clark, Dickson, Johnson, Jourdan, King, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Runnels, Sessions, Taylor, Wilkins, Wilkinson—21.

And the votes being equal, it was determined in the negative.

Mr. Lattimore moved, and was seconded, to strike out the 6th section.

And the question thereon being taken, it was determined in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative are

Messrs. Davis, Dickson, Gray, Hanna, Johnson, King, Lattimore, Minton, M'Nabb, Patton, Poindexter, Rankin, Runnels, Sessions, Turner, Torrence, Wilkinson, West—18.

Those who voted in the negative are

Mr. President, Messrs. Barnes, Burnet [of Claiborne] Balch, Brandon, Batchelor, Burton, Burnet [of Hancock] Bilbo, Clark, Downs, Jourdan, Leake, Mead M'Laughlin, M'Kay, M'Rea, M'Leod, Steel, Scott, Taylor, Wilkins, Williams—23.

Mr. West moved, and was seconded, to amend the 1st section under the head of Slaves, by striking out the two last lines.

And the question thereon being taken, it was determined in the negative.

Mr. West moved, and was seconded, to amend the 15th section, by adding after the word 'government' in the first line, these words: 'the preservation of liberty.'

And the question thereon being taken, it was resolved in the affirmative.

Mr. West moved, and was seconded, to farther amend the 15th section, by inserting after the word

mankind in the 2d line the following: "Therefore the Legislature shall forever promote and encourage learning by such donations and privileges to literary institutions within this State, as may be found convenient and necessary."

And the question thereon being taken, it was determined in the negative.

Mr. West moved, and was seconded, to add the following as a new section:

"Section Sanguinary punishments ought to be avoided as far as may be consistent with the peace and safety of the community: It shall therefore be the duty of the Legislature to provide by law for the establishment of a Penitentiary or house of correction, so soon as the revenue of the State will admit of it, under such regulations as may be deemed necessary and proper for the attainment of the objects desired."

And the question thereon being taken, it was resolved in the affirmative.

Mr. Mead moved, and was seconded, that when the convention adjourns, it will adjourn till 6 o'clock this evening.

And the question thereon being taken, it was determined in the negative.

Mr. West moved, and was seconded, to add the following as a new section:

"Section In all prosecutions of a capital nature, the court shall consist of three judges."

And the question thereon being taken it was determined in the negative.

Mr. West moved, and was seconded, to add the following as a new section:

"Section No fine shall ever be laid on any citizen of this State exceeding twenty dollars unless it shall be assessed by a jury, according to law."

And the question thereon being taken, it was determined in the negative.

Mr. West moved, and was seconded, to add the following as a new section:

"Section No person shall hold more than one lucrative office in this State, at the same time."

And the question thereon being taken, it was determined in the negative.

Mr. West moved, and was seconded, to add the folling as a new section:

"Section The general assembly shall direct by law in what manner sureties for public officers may be discharged from such obligation."

And the question thereon being taken, it was determined in the negative.

Mr. West moved, and was seconded, to add the following as a new section:

"Section No judge shall sit on the trial of any cause where the parties or either of them shall be related to him either by affinity or consanguinity, except by consent of parties—In case all the judges of the court in which a suit may be brought shall be interested in the event of the cause or related to either of the parties, the Governor shall in such case specially commission a competent number of men of law knowledge not interested or connected with either of the parties for the determination thereof."

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Messrs. Balch, Batchelor, Burnet (of Hancock) Clark, Davis, Johnson, M'Laughlin, M'Leod, Turner, Torrence, West—11.

Those who voted in the negative are

Mr. President, Messrs. Burnet (of Cla orne) Brandon, Burton, Bilbo, Do ns, Dickson, Glass, Gray, Hanna, Jourdan, Knox, King, Leake, Lattimore, Mead, Minton, M'Kay, M'Rea, M'Nabb, Patton, Poindexter, Rankin, Runnels, Simpson, Sessions, Steel, Scott, Taylor, Wilkins, Williams, Wilkinson—32.

Mr. West moved, and was seconded, to add the following as a new section:

"Section Whenever the constitutionality of any act or law passed by the Legislature shall be questioned by judicial authority, it shall be submitted to the supreme court, and if two-thirds of all the judges composing said court shall be of opinion that the act or law in question is unconstitutional, they shall report the same to the general assembly at the next session thereafter, with their reasons at full length; the general assembly shall then proceed to reconsider the same, and if they shall, on such reconsideration, repass the said act or law by a majority of two-thirds in each house, then, in that case, no question shall again be made of the constitutionality of the said act or law, but the same shall be good and valid to all intents and purposes."

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present, those who voted in the affirmative are

Messrs. Balch, Batchelor, Dickson, Lattimore, M'Nabb, Torrence, Wilkinson, West—8.

Those who voted in the negative are

Mr. President, Messrs. Burnet (of Claiborne) Brandon, Burton, Burnet (of Hancock) Bilbo, Clark, Davis, Downs, Glass, Gray, Hanna, Johnson, Jourdan, Knox, King, Leake, Mead, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, Patton, Poindexter, Rankin, Runnels, Simpson, Sessions, Steel, Scott, Taylor, Turner, Wilkins, Williams—35.

Mr. West moved, and was seconded, to add the following as a new section:

"Section All claims to lands lying within this State, not derived from the United States, or confirmed by or under a law of the United States, shall be forever barred to all intents and purposes: Provided, nevertheless, that this section shall not extend to claims in that part of this State lying below the thirty-first degree of north latitude, which have been registered and not decided on by Congress."

And the question thereon being taken, it was determined in the negative.

The yeas and nays being demanded by two members present, those who voted in the affirmative are

Messrs. Balch, Burnet (of Hancock) Johnson, West—4.

Those who voted in the negative are

Mr. President, Messrs Burnet [of Claiborne] Brandon, Batchelor, Burton, Bilbo, Clark, Davis, Downs, Dickson, Glass, Gray, Hanna, Jourdan, Knox, King, Leake, Lattimore, Mead, Minton, M'Laughlin, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Rankin, Runnels, Simpson, Sessions, Steel, Scott, Taylor, Turner, Torrence, Wilkins, Williams, Wilkinson—38.

Mr. Turner moved, and was seconded, that when the convention adjourns, it will adjourn till 7 o'clock to-morrow morning.

And the question thereon being put, it was resolved in the affirmative.

And on motion, the convention then adjourned till 7 o'clock to-morrow morning.

SATURDAY, AUGUST 9, 1817.

The Convention met pursuant to adjournment.

On motion of Mr. Poindexter, the convention resumed the unfinished business.

On motion of Mr. Poindexter, and seconded, that the convention reconsider their vote taken yesterday on the amendment proposed by Mr. West in relation to the establishment of a Penitentiary.

And the question thereon being put, it was resolved in the affirmative.

Mr. Simpson moved, and was seconded, to amend the said amendment, by striking out from the word community, and in lieu thereof insert the following:

"It shall be the duty of the general assembly to erect a Penitentiary prior to the year one thousand eight hundred and thirty.

And the question thereon being taken, it was determined in the negative.

The question then recurred on adopting the amendment offered by Mr. West.

And the question thereon being taken, it was determined in the negative.

Mr. Scott moved, and was seconded, to add the following as a new section:

"Section A law shall be passed at the first session of the general assembly providing for the payment of such slave or slaves as may thereafter be executed under sentence of the law, except in cases of insurrection and rebellion; provided, however, that the owner or owners of such slave or slaves shall not receive less than two-thirds, nor more than three-fourths of the value of such slave or slaves; and provided, that slaves only shall be taxed to raise the funds to make such remuneration."

And the question thereon being taken, it was determined in the negative.

The yeas and nays being called for by two members present—those who voted in the affirmative are

Mr. President, Messrs. Brandon, Burton, Bilbo, Davis, Johnson, Jourdan, Leake, Mead, M'Laughlin, M'Kay, Poindexter, Simpson, Sessions, Scott, Taylor, Turner, Torrence, Wilkins, Williams—20.

Those who voted in the negative are

Messrs. Barnes, Burnet [of Claiborne,] Balch, Batchelor, Burnet [of Hancock,] Clark, Downs, Dickson, Gray, Hanna, Knox, King, Lattimore, Minton, M'Rea, M'Leod, M'Nabb, Patton, Rankin, Runnels, Wilkins, West—22.

SCHEDULE.

The amendments being read, were concurred in.

Mr. Patton moved, and was seconded, to add the following as a new section:

"Section The Governor may appoint and commission an additional Judge, or one of the former Judges of the superior court whose commission shall expire so soon as appointments can be made under the constitution. It shall be the duty of the Judge so appointed, or one of the former territorial Judges to hold superior courts, in the counties of Jackson, Green, Wayne and Hancock at the time heretofore prescribed by law, provided that if either of the former territorial Judges in addition to his duty in the western counties perform such duty and no additional Judge be appointed, he shall receive an extra compensation proportioned to the amount of *his salary and term* of service rendered. If an additional Judge be appointed he shall receive the same compensation for his services as the other Judges of the superior court."

And the question being put thereon, it was resolved in the affirmative.

Mr. Burnet (of Claiborne) moved, and was seconded, to add the following as a new section:

"Section The Sheriff of Warren county shall

within ten days after the election make return of the number of votes for Senator in his county to the Sheriff of Claiborne county; who shall be the returning officer for the district.

The Sheriff of Pike county shall within ten days after the election make return of the number of votes for Senator in his county to the Sheriff of Franklin county, who shall be the returning officer for the district.

The Sheriffs of Hancock and Lawrence counties, shall within ten days after the election, make return of the number of votes for Senator in their respective counties to the Sheriff of Marion county, who shall be the returning officer for the district.

The Sheriffs of Jackson and Wayne counties shall within ten days after the election make return of the number of votes for Senator in their respective counties to the Sheriff of Green county, who shall be the returning officer for the district."

And the question thereon being taken, it was resolved in the affirmative.

Mr. Turner moved, and was seconded, to amend the 4th section adopted by the convention as a new one by striking out the words "first Monday and the day following" and insert in lieu thereof "second Monday."

And the question thereon being taken, it was determined in the negative.

GENERAL PROVISIONS.

Mr. Turner moved, and was seconded, to recommit

the 5th and 6th sections to a committee of the whole forthwith.

And the question thereon being taken, it was determined in the negative.

On motion of Mr. Poindexter, and seconded,

Ordered, That the constitution reported by the select committee as amended be engrossed and made the order of the day for the 3d reading for Tuesday next.

And the question thereon being taken, it was resolved in the affirmative.

On motion of Mr. Poindexter, and seconded,

Ordered, That a committee of three members be appointed to superintend the engrossment of the constitution; the arrangement of the several articles and sections; and the correction of the language thereof.

And Mr. Poindexter, Mr. Simpson and Mr. Leake were appointed accordingly.

Mr. Leake moved, and was seconded, that when the convention does adjourn, it will adjourn till 2 o'clock on Tuesday next.

And the question thereon being taken, it was determined in the negative.

Mr. Rankin moved, and was seconded, that when the convention adjourns, it will adjourn till Tuesda next.

And the question thereon being put, it was resolved in the affirmative.

On motion of Mr. Poindexter, and seconded,

Resolved, That the members of the convention be allowed for their daily allowance *four* dollars, and *four* dollars for every twenty miles travelling to and from

the town of Washington to the places of their respective residence—and that the President of the convention be allowed for his services the sum of *eight* dollars for each day's attendance on the convention—and that the Secretary of the convention be allowed *seven* and one half dollars per day for his services—the assistant Secretary *seven* and one half dollars per day for his services—and the door-keeper *three* dollars per day for his services—and the assistant door-keeper *two* dollars per day for his services; and also,

Resolved, That the President shall sign a warrant for such sums as may be allowed under the preceding resolution to the members of the convention and the officers thereof; and also for the contingent expenses of the session, directed to the territorial treasurer; and that the same shall be a good and sufficient voucher to said treasurer for the payment of the sums therein specified."

On motion of Mr. Taylor, and seconded,

Ordered, That Mr. Brandon be excused from his attendance on the convention for the remainder of the session.

On motion of Mr. Burton, and seconded,

Ordered, That Mr. Dickson have leave of absence for the remainder of the session.

On motion of Mr. Clark, and seconded,

Resolved, That the absent members at the signing of the constitution now to be agreed upon, may sign the same by proxy.

On motion of Mr. Leake, and seconded,

Ordered, That Mr. Glass have leave of absence for the remainder of the session.

On motion of Mr. Clark, and seconded,

Ordered, That Mr. Batchelor have leave of absence for the remainder of the session.

And then the convention adjourned till Tuesday next.

TUESDAY, AUGUST 12, 1817.

The Convention met pursuant to adjournment.

On motion of Mr. Hanna, and seconded,

Ordered, That Mr. King have leave of absence for the remainder of the session.

On motion of Mr. Poindexter, and seconded, the following resolutions were adopted:

"*Resolved*, That the Secretary of the convention be directed to have printed eight hundred copies of the constitution, and distribute the same among the respective counties according to the number of representatives from each."

"*Resolved*, That the President of the convention be, and he is hereby requested to transmit one copy of the constitution to the President of the United States; one copy to the President of the Senate, and one copy to the Speaker of the House of Representatives; and that he address a suitable letter to them on the occasion."

"*Resolved*, That the different amendments reported by the committee of the whole be printed at the end of the journal of the convention, whether such amendments were agreed to or not."

On motion of Mr. Lattimore, and seconded, the following resolutions were adopted:

"*Resolved*, That a committee of five members be appointed to prepare for the consideration of the convention, an address to the President of the United States relative to the extinguishment of Indian claims to lands within this State."

And Messrs. Lattimore, Runnels, Minton, Torrence and Downs were appointed.

"*Resolved*, That a committee of five members be appointed to prepare for the consideration of the convention, a memorial to the Congress of the United States, relative to an adjustment of the claims derived from British grants to lands above the 31st degree of latitude; and also relative to a confirmation of the claims to lands below the 31st degree of latitude, within this State."

And Messrs. Lattimore, Clark, Jourdan, Taylor and Johnson, were appointed.

Mr. Poindexter, from the committee appointed to superintend the engrossment of the constitution reported, that the committee had performed that service.

On motion of Mr. Poindexter, and seconded, the engrossed constitution was read the third time.

Mr. Turner moved, and was seconded, to strike out the 11th section under the 6th article—general provisions.

And the question thereon being taken, it was determined in the negative.

The question then recurred on the adoption of the constitution.

And the question being taken thereon, it was resolved in the affirmative.

On motion of Mr. Poindexter, and seconded,

Ordered, That the same committee appointed to superintend the engrossment of the constitution, superintend the enrolling thereof.

And then the convention adjourned till to-morrow 8 o'clock.

WEDNESDAY, AUGUST 13, 1817.

The Convention met pursuant to adjournment.

Mr. Poindexter, from the committee appointed to draft a petition to the Congress of the United States, praying for an extension of the eastern limits of the State of Mississippi, made a report, which was read.

On motion of Mr. Poindexter, and seconded,

Resolved, That the convention will now proceed to consider the said report.

Mr. Simpson moved, and was seconded, that the said memorial do lie on the table.

And the question thereon being taken, it was resolved in the affirmative.

On motion of Mr. Poindexter, the convention resumed the consideration of the said memorial.

Mr. Poindexter moved, and was seconded, that the convention do concur in the report of the said committee.

Mr. West moved, and was seconded, that he be excused from voting on this question.

And the question being put, it was determined in the negative.

The question then recurred on concurring in the report of the said committee.

And the question thereon being taken, it was resolved in the affirmative.

The yeas and nays being called for by two members present, those who voted in the affirmative are

Mr. President, Messrs. Burnet, (of Claiborne) Balch, Burton, Burnet, (of Hancock) Bilbo, Davis, Downs, Gray, Hanna, Johnson, Jourdan, Knox, Leake, Mead, Minton, M'Laughlin, M'Kay, M'Rea, M'Leod, M'Nabb, Patton, Poindexter, Rankin, Runnels, Simpson, Sessions, Scott, Taylor, Torrence, Williams —31.

Those who voted in the negative are
Messrs. Lattimore and West—2.

And then the convention adjourned till to-morrow.

THURSDAY, AUGUST 14, 1817.

The convention met pursuant to adjournment.

On motion of Mr. Poindexter, and seconded,

Ordered, That when this convention adjourns it will adjourn till 6 o'clock to-morrow morning.

And the question thereon being taken, it was resolved in the affirmative.

And then the convention adjourned till 6 o'clock to-morrow morning.

FRIDAY, AUGUST 15, 1817.

The convention met pursuant to adjournment.

Mr. Poindexter, from the committee appointed to superintend the enrolling of the constitution reported, that the committee had examined the enrolled constitution; and that the same is truly enrolled.

Mr. Lattimore moved, and was seconded, that the said report do lie on th e table.

And the question thereon being taken, it was determined in the negative.

Mr. Runnels moved, and was seconded, that the constitution, as enrolled, be read before the members do sign the same.

And the question thereon being taken, it was resolved in the affirmative.

And the constitution being read, the following members signed the same—to-wit:

David Holmes, President of the convention, and delegate from Adams county.

Adams county—Josiah Simpson, James C. Wilkins, John Steel, John Taylor, Joseph Sessions, Edward Turner, Christopher Rankin.

Jefferson county—Cowles Mead, Hezekiah J. Balch, Joseph E. Davis.

Claiborne county—Walter Leake, Thomas Barnes, Daniel Burnet, Joshua G. Clark.

Warren county—Henry D. Downs, Andrew Glass.

Franklin county—James Knox.

Wilkinson county—George Poindexter, Daniel Williams, Abram M. Scott, Joseph Johnson, Gerard C. Brandon, John Joor.

Amité county—William Lattimore, Henry Hanna, Thomas Torrence, John Burton, Thomas Batchelor, Angus Wilkinson.

Pike county—Wm. J. Minton, James Y. M'Nabb, David Dickson.

Lawrence county—Harmon Runnels, George W. King.

Marion county—Dougal M'Laughlin, John Ford.

Hancock county—Noel Jourdan, Amos Burnet.

Wayne county—James Patton, Clinch Gray.

Greene county—Laughlin M'Kay, John M'Rae.

Jackson county—John M'Leod, Thomas Bilbo.

Attest,

LOUIS WINSTON.

On motion of Mr. Poindexter, and seconded,

"*Resolved*, That the Secretary, under the direction of the President of the convention, be, and he is hereby authorized to settle the account of Peter Isler for printing done for the convention, and to grant to him a warrant for the amount, payable out of any money in the treasury of this State, not otherwise appropriated."

Mr. Lattimore, from the committee appointed to draft a memorial to Congress in relation to British claims to lands lying above, and the claims being below the 31st degree of latitude in this State, made a report, which was read.

On motion of Mr. Lattimore, and seconded,

Resolved, That the convention will now consider the said report.

On motion of Mr. Poindexter, and seconded, that the convention do concur in said report.

And the question thereon being taken, it was resolved in the affirmative.

Mr. Lattimore, from the committee appointed to draft an address to the President of the United States on the subject of Indian claims to lands lying within this State, made a report, which was read.

On motion of Mr. Lattimore, and seconded,

Resolved, That the convention will now consider the said report.

On motion of Mr. Poindexter, and seconded, that the convention do concur in said report.

And the question thereon being taken, it was resolved in the affirmative.

On motion of Mr. Lattimore,

"*Resolved*, That the President of this convention deliver or transmit the said address and memorial to the Senators and Representative to be elected from this State to the Congress of the United States."

On motion of Mr. Turner,

"*Resolved*, That the Secretary of the convention be allowed the sum of seventy-five dollars for copying the constitution and journals for the printer."

On motion of Mr. Turner,

"*Resolved*, That the Secretary cause the public tables, chairs, &c. to be conveyed to Natchez and deposited in the City Hall for safe keeping until the meeting of the general assembly."

On motion of Mr. Mead, and seconded,

"*Resolved*, That the President of this convention be authorized and required to draw on the treasurer of the territorial treasury for one hundred dollars, to be paid over to the trustees of the methodist meeting;

House in the town of Washington, as a compensation for the time it has been occupied by the convention."

On motion of Mr. Poindexter, the following resolution was unanimously adopted:

"*Resolved*, That the thanks of this convention be presented to David Holmes, President thereof, for the dignity, ability, and impartiality, with which he has discharged the arduous duties of the chair."

Whereupon—Mr. President delivered the following address—to-wit:

"I thank you, gentlemen, for your kind and indulgent expressions respecting the manner in which I have discharged the duties of the chair. In entering upon them, I declared my determination, to act faithfully and according to the best dictates of my judgment—now that our labors have drawn to a close, your approbation of my conduct is the greatest gratification I can receive.

"We have been engaged, fellow citizens, in an arduous and an important duty.—This constitution, the result of our deliberations, I trust will hand down to posterity, unimpaired, those great principles of freedom which the world admires, and which Americans revere.

"Accept, gentlemen, my best wishes for your individual prosperity and happiness."

On motion of Mr. Poindexter, and seconded,

Ordered, That this convention do now adjourn *sine die*.

ATTEST,

LOUIS WINSTON,
Secretary of the Convention.